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Proceedings

CENSUS BUREAU.

DECEMBER 9, 1897.—Ordered to be printed.

Mr. CARTER, from the Committee on the Census, submitted the following

REPORT

[To accompany S. 94.]

In line 5, section 2, strike out the word "six" and insert in lieu thereof the word "five."

Amend by striking out all of section 3 and in lieu thereof insert the following:

SEC. 3. That the chief clerk, disbursing clerk, and the chief statisticians provided for in the preceding section, and all other employees authorized by this act below the assistant director of the census shall be appointed according to the discretion of the director of the census, subject to such examination as said director may, with the approval of the Secretary of the Interior, prescribe, and not otherwise.

In line 6, section 6, strike out the words "in December, eighteen hundred and ninety-seven," and in lieu thereof insert the following, to wit, "as soon after his appointment as practicable."

As thus amended, the committee recommend that the bill do pass.

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LIGHT-HOUSE TENDER ROSE.

DECEMBER 9, 1897.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 1601.]

The Committee on Commerce, to whom was referred the bill (S. 1601) to remit the time penalties on the light-house tender *Rose*, have considered the same, and report as follows:

A similar bill was favorably reported by your committee last Congress. The report of the Light-House Board upon the bill introduced last session is appended herewith. The present bill is drawn in conformity with the recommendation of the Light-House Board, and is reported back and its passage recommended.

The following memorandum is submitted by the contractor:

Contract between Light-House Board and Hugh Ramsay, Perth Amboy, N. J., for furnishing new boiler and engines for light-house tender *Rose*. Contract price, \$8,200. Contract provided time penalties at rate of \$10 per day for any delay in completing contract. There was a delay, from causes hereinafter stated, of 208 days, which, at \$10 per day penalty, caused the Light-House Board to retain \$2,080 from Ramsay's payments.

As to the causes of delay—

First. It was contemplated by both the Light-House Board and the contractor that many fittings, auxiliaries, etc., in the boat at the time of contract would be available for use in connection with the new boiler and engines. It developed, however, that these fittings, etc., were worthless and had to be removed by the contractor and replaced, causing, in addition to a financial loss, because they could not be utilized, a delay in the progress of the work.

Second. The heads for the boiler, orders for which had been placed by the contractor with the Carnegie Steel Company, had to be changed from the original design, owing to alterations called for by the Government officer representing the Light-House Board.

The delay of the Carnegie Company in delivering boiler heads, caused by the alterations aforesaid, delayed the contractor.

The ground taken by the contractor is that the Government suffered no damage by the delay, which was beyond his control.

A bill to remit the whole amount of penalty, to wit, \$2,080, was referred to the Light-House Board, who admitted the strong equities of the contractor, and stated that the Government had suffered no damage. The Light-House Board recommended that one-half of the penalty exacted be remitted. Their letter is on file in Committee on Commerce. Accordingly, the bill now before the Committee on Commerce (S. 1601) provides for the remission of \$1,040 (the one-half) to Hugh Ramsay.

Congress has in all cases remitted time penalties imposed under contracts for furnishing Government vessels where it has been shown that the Government suffered no loss by the delays and where the delays have been shown to have been beyond the control of the contractors.

The report of the Light-House Board is as follows:

TREASURY DEPARTMENT,
Washington, D. C., April 12, 1897.

SIR: I have the honor to acknowledge the receipt of a letter from your committee, dated April 7, 1897, inclosing a copy of Senate bill No. 1601, to remit the time penalties on the light-house tender *Rose*, and requesting suggestions touching the merits of the bill and the propriety of its passage.

In reply I beg leave to say that the matter, on its reception, was referred to the Light-House Board for examination and recommendation.

The board reports that a similar bill was considered at its session on February 1, 1897, when it was decided that the board recommend that Congressional relief be granted to Mr. Hugh Ramsay, the contractor for the installation of the new machinery in the tender *Rose*, in an amount equal to one-half the penalty incurred, and that the sum of \$1,040 be appropriated for that purpose.

Respectfully, yours,

L. J. GAGE,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.



AMERICAN REGISTER FOR STEAMER JACKSONVILLE.

DECEMBER 9, 1897.—Ordered to be printed.

Mr. PASCO, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 2294.]

The Committee on Commerce, to whom was referred the bill (S. 2294) to provide an American register for the steamer *Jacksonville*, have carefully considered the same and submit the following report thereon:

The present name of this vessel is *Soledad*.

A bill providing for an American register for this vessel to be granted by the Commissioner of Navigation upon the completion of her repairs was favorably reported by this committee during the Fifty-fourth Congress after having been referred to the Commissioner of Navigation, Treasury Department, and recommended by that officer.

Since the committee's action last session the repairs have been completed, as shown by evidence filed with the committee.

It is alleged that the *Soledad* was practically rebuilt in New York in 1891.

Subsequently on the 10th day of December, 1896, while on a voyage from Porto Bello, United States of Colombia, to Jacksonville, Fla., in latitude 22° 08" north and longitude 85° 10' west, she experienced a terrific gale which washed away everything movable on deck and stove in and strained the vessel and placed her in such a dangerous and unseaworthy condition that she was obliged to put into Key West for safety and temporary repairs. She subsequently reached her destination, Jacksonville, where she was docked and completely repaired and made seaworthy.

The particulars of the wreck of the *Soledad* are set forth in the affidavit of her master, which is filed with the committee.

The vessel's injuries received in the gale aforesaid are detailed in a survey made upon her in her damaged condition. A portion of the survey states that the surveyors found her to be the most complete wreck they ever saw to remain afloat.

The *Soledad* was sold for debt April 5, 1897, by the sheriff of Duval County, Fla., to the present owners, the Hektograph Manufacturing Company, organized under the laws of the State of New York, and composed entirely of citizens of the United States, for \$1,200.

A voucher has been filed with the committee showing that repairs to the *Soledad*, amounting to \$4,180.54, have been completed by the Merrill-Stevens Engineering Company, of Jacksonville, Fla.

It will be noted that the repairs amount to over three fourths of the purchase price of the vessel when repaired as required by section 4136, Revised Statutes.

As this case comes within the precedents established by the committee and has complied with all the requirements of section 4136, except that she was wrecked outside of United States waters instead of within the same, your committee are in favor of admitting the vessel to registry as provided in the bill.

The second section, requiring an inspection of the vessel, is unnecessary, as such inspection is provided for by existing law, and it should be stricken out; and when thus amended it is recommended that the bill do pass.

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CONGRESS OF THE INDIAN TRIBES OF THE UNITED
STATES.

DECEMBER 13, 1897.—Ordered to be printed.

Mr. ALLEN, from the Committee on Indian Affairs, submitted the
following

REPORT.

[To accompany S. 2507.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2507) "to provide for the holding of a congress of the Indian tribes of the United States at the city of Omaha, in the State of Nebraska, in the year of our Lord eighteen hundred and ninety-eight, and for other purposes," beg leave to report the same favorably, with the following proposed amendments:

After the word "tribes," in line 8, page 1, insert the following:

as a part of the Transmississippi and International Exposition, to be held at the city of Omaha, in the State of Nebraska, pursuant to an act of Congress entitled "An act to authorize and encourage the holding of a Transmississippi and International Exposition at the city of Omaha, in the State of Nebraska, in the year eighteen hundred and ninety-eight," approved June tenth, eighteen hundred and ninety-six."

Amend line 11, page 1, by striking out the words "every tribe" and inserting in lieu thereof the words "different Indian tribes."

In line 18, page 2, strike out the words "one hundred" and insert in lieu thereof the word "fifty."

Congress, by the act of June 10, 1896, entitled "An act to authorize and encourage the holding of a Transmississippi and International Exposition at the city of Omaha, in the State of Nebraska, in the year eighteen hundred and ninety-eight," appropriated \$200,000, \$50,000 of which was to be used in the construction of a building and \$150,000 for the purpose of making an exhibit at the exposition to be held in Omaha, Nebr., in 1898. The entire sum of money required by that act has been raised, and many thousand dollars besides, the grounds have been selected, many of the buildings have been constructed, and many others are in process of construction, and the exposition bids fair to be the largest to which Congress has in any manner contributed since the Columbian Exposition of 1893.

There has never been, so far as your committee is informed, a thorough Indian exhibit at any exposition held in the United States, and we deem it wise and proper that it should be done at this one. The Indians, and therefore their customs and habits, are rapidly passing away, and it is believed this exposition will be the first, and probably the last, opportu-

nity the people of the United States will have to see the aborigines in their various stages of development and observe their habits and customs and the advancement they have made toward civilization under our present system of education.

The desirability for the passage of this bill is put very forcibly by Maj. J. W. Powell, of the Bureau of Ethnology, in the subjoined letter, in which he says, among other things:

I am of the opinion that groups of Indians from selected tribes of the United States could be made very attractive and instructive by installing them in domiciles of their own construction made of materials of their own collection. The structures themselves would be a novel feature and exhibit the deftness with which they protect themselves from the inclemency of the weather. If, then, they were induced to bring the materials necessary for carrying on their primitive arts and engage in the making of articles for sale on the ground, the arts themselves would be of great interest. Living on the ground, they would necessarily engage in their games and ceremonial institutions, and the exhibition of Indian life thus produced would be of supreme interest.

By such means the arts and institutions of savage life would be vividly portrayed to a large body of the people of the United States, who would thus be able to understand more clearly the nature and characteristics of savagery and the problem which is presented to the Indian Department in the endeavor to lift the aboriginal inhabitants of the country into the status of civilization. The General Government from its organization more than a century ago has been steadily attempting to accomplish this purpose, in which it has expended more than \$300,000,000, and in lieu of these efforts it has by treaty stipulation purchased the hunting grounds of the tribes, leaving in their possession small tracts of land as reservations, which they are gradually inducing the tribesmen to take in severalty. The great body of the people necessarily have a very imperfect idea of the nature of the task which has been imposed by law upon the Indian Department. Such an exhibition would be of inestimable value.

Your committee attach also, as a part of this report, letters from the Secretary of the Interior; Major Powell; Mr. Herbert Welsh, secretary of the Indian Rights Association of the United States; Hon. W. A. Jones, Commissioner of Indian Affairs, and a letter of Senator Allen, addressed to the Secretary of the Interior.

Your committee recommends the passage of the bill with the amendments proposed.

DEPARTMENT OF THE INTERIOR,
Washington, December 4, 1897.

DEAR SIR: Your favor of the 3d instant was duly received. This Department will cheerfully cooperate in any well-devised plan that may be adopted to carry out the scheme for providing an Indian exhibit, as suggested by you, at the Transmississippi and International Exposition. It should, however, be understood by the friends of the plan that to provide such an exhibition will involve a very large expense, and will require a special appropriation by Congress, as the share of the present appropriation assigned to the Department of the Interior is only \$18,500, a sum barely sufficient for the ordinary exhibition already authorized.

I will refer your letter to the Commissioner of Indian Affairs for his opinion regarding the practicability of securing the cooperation of the Indians and for an estimate of the probable expense involved, and will advise you further regarding the matter at an early date.

Yours, truly,

C. N. BLISS, *Secretary.*

Hon. WILLIAM V. ALLEN,
United States Senate.

COMMITTEE ON FOREST RESERVATIONS AND THE PRESERVATION OF GAME,
UNITED STATES SENATE,
Washington, D. C., December 5, 1897.

SIR: You are already aware that the managers of the Transmississippi and International Exposition are desirous that their great enterprise shall be made the occa-

sion of an extensive exhibit by the Government illustrative of the life, native industries, and ethnic traits of as many of the aboriginal American tribes as possible. To this end it is proposed that selected families or groups from the principal tribes be brought together under the auspices of the Bureau of Indian Affairs and camped in tepees, wigwams, or hogans on the exposition grounds, and be permitted and encouraged to make and sell their wares for their own profit, and conduct their domestic affairs as they do at home. I have prepared a bill, to be introduced at once, providing the means for this undertaking, which meets my heartiest approval. I need not argue the entertaining and instructive nature of a display of this character—instructive as well to the thousands of American citizens and foreigners who will visit Omaha next summer as to the Indians who shall participate—nor the eminent suitability of the occasion and the place for the purpose.

Our Indian tribes are rapidly passing away, and promise, before another occasion so favorable shall offer, to have so far modified their habits and industries, by the adoption of these of civilization, as to forget, to a large extent, their own original methods of life.

Foreign Governments which have held or promoted great world's fairs in recent years—notably France and Belgium—have made these the occasion of bringing from their remotest colonies and dependencies families, groups, and even whole villages of aborigines, and have found their profit in the educational advantages which strange people mutually afford when brought into contact.

Within the borders of our land live many tribes, whose quaint habits and methods of life have remained unchanged since the days of Columbus, and whose characteristics are less known, even to our own people, than those of the tribes of Central Africa and Asia, and these people are sufferers, in many respects, by reason of their ignorance of our people.

I beg to suggest that you give me your views and those prevailing among the expert authorities of your department as to the practicability and desirability of the project outlined, and that you favor me at an early day with anything you may be pleased to say on the subject-matter.

I have the honor to be, very truly, yours,

WM. V. ALLEN.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SMITHSONIAN INSTITUTION, BUREAU OF AMERICAN ETHNOLOGY,
Washington, December 4, 1897.

DEAR SIR: In response to your letter of the 3d instant, I beg to make the following reply:

I am of the opinion that groups of Indians from selected tribes of the United States could be made very attractive and instructive by installing them in domiciles of their own construction made of the materials of their own collection. The structures themselves would be a novel feature and exhibit the deftness with which they protect themselves from the inclemency of the weather. If, then, they were induced to bring the materials necessary for carrying on their primitive arts and engage in the making of articles for sale on the ground, the arts themselves would be of great interest. Living on the ground, they would necessarily engage in their games and ceremonial institutions, and the exhibition of Indian life thus produced would be of supreme interest.

By such means the arts and institutions of savage life would be vividly portrayed to a large body of the people of the United States, who would thus be able to understand more clearly the nature and characteristics of savagery and the problem which is presented to the Indian Department in the endeavor to lift the aboriginal inhabitants of the country into the status of civilization. The General Government, from its organization more than a century ago, has been steadily attempting to accomplish this purpose, in which it has expended more than \$300,000,000, and in lieu of these efforts it has by treaty stipulations purchased the hunting grounds of the tribes, leaving in their possession small tracts of land as reservations, which it is gradually inducing the tribesmen to take in severalty. The great body of the people necessarily have a very imperfect idea of the nature of the task which has been imposed by law upon the Indian Department. Such an exhibition would be of inestimable value.

I am, with great respect, yours, cordially,

J. W. POWELL.

Hon. WILLIAM V. ALLEN,
*Chairman, Committee on Forest Reservations and the Protection of Game,
United States Senate.*

INDIAN RIGHTS ASSOCIATION,
Philadelphia, December 3, 1897.

MY DEAR SIR: Your favor of December 2, with inclosures relative to your proposition that a congress of the Indian tribes of the United States should be held next year at Omaha, in connection with the Transmississippi and International Exposition, has just reached me. I heartily approve what I take to be the spirit and purpose of this measure, and I quite agree with you in thinking, if carried out under direction of the Secretary of the Interior and with judicious safeguards, that it will prove of great importance "in illustrating the progress the Indians have made and are making under the present system of education and civilization."

I believe your project deserves high commendation and strong support. I trust that it will receive both, and that it will be carried into practical operation. As I understand it, there would be presented to popular observation the striking contrast between the original savage condition of the Indian, under which he is so unfit for contact with civilization, and the present state of moral, mental, and, so far as civilized requirements are concerned, physical development, to which the rising generation of the Indian race is now being brought by the generous education which the Government affords, and in which missionary and philanthropic bodies have aided. There is no better means of reaching the popular mind, and touching the warm and true instincts of the American heart than by such an object lesson as this. It is because the better class of our people have so long remained in ignorance of the possibilities of Indian education and civilization, and of the wrongs which have been inflicted upon the Indian race, that these people have been in so many instances the prey of designing, avaricious, or ignorant men. During the last twenty-five years remarkable progress has been made in the work of Indian civilization and in raising the standard of our national treatment of the red men. Such a project as that which you have kindly brought to my attention it seems to me would reveal these changed and hopeful conditions with the clearness and vividness of a panoramic picture. What the Indian is in his natural state, and what he may become through intelligent guidance and care, would be shown at a glance to the thousands who would visit this exposition. In no way could prejudice more quickly be disarmed, mistaken notions be corrected, or a fuller sentiment than now supports the measures of the Government for the education and protection of the Indian be secured.

Of course such a project would have to be carefully guarded from the designs of persons who might be disposed to divert it to personal schemes of money making or notoriety, but that danger, which is always a real one in connection with great projects, would no doubt be amply guarded against by the Secretary of the Interior and his assistants, to whom the execution of the plan would be intrusted. Regarding the details of your bill, you are better fitted to determine than I am. I will only suggest that the Washington agent of our association, Mr. Francis E. Leupp, might call on you to confer on this subject. If he can lend you any aid, I am sure he will gladly do so. I write in my individual capacity, and not officially as secretary of the Indian Rights Association, but I think I am safe in declaring that the opinions which I now express on this subject will be entertained by every member of our executive committee and by the members of our society. Personally, I most sincerely commend your project, under the qualifications specified, and I wish it the fullest success. Believe me,

Very sincerely, yours,

HERBERT WELSH.

Hon. WILLIAM V. ALLEN,
Senate Chamber, Washington, D. C.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 9, 1897.

SIR: I am in receipt, by your reference on the 7th instant, for immediate consideration, report, and recommendation, of a communication dated December 3, 1897, from Senator William V. Allen, stating that the managers of the "Trans-Mississippi and International Exposition" (to be held at Omaha, Nebr., the coming summer) are desirous that the Government should make an extensive exhibit illustrative of the life, native industries, and ethnic traits of as many of the aboriginal American tribes as possible, to which end, he says, it is proposed that selected families or groups from the principal tribes be brought together under the auspices of the Indian Bureau, and camped in tepees, wigwams, and hogans, on the exposition grounds, and permitted to make and sell their wares for their own profit, and conduct their domestic affairs as they do at home.

Senator Allen thinks such an exhibit will prove instructive and beneficial, not only to those who visit the fair, but to the Indians who participate. He suggests

that our Indian tribes are rapidly passing away, and are modifying their original habits and industries by adopting those of civilization, and says that foreign Governments which have held or promoted such fairs in recent years have made them the occasion for bringing families, groups, and even whole villages of aborigines from their remotest colonies, and that the resulting educational advantages were found to be mutually profitable.

The Senator says there are within our borders many tribes whose quaint habits and methods of life have remained unchanged since the days of Columbus, and whose characteristics are little known even to our own people.

He further says he has prepared a bill, to be introduced at once, the purpose of which is to provide the means for the undertaking, and he asks this Department for its views as to the practicability and desirability of the project outlined.

Concerning this subject I have the honor to state that the Indian Office heartily concurs in the general plan for an exhibition of Indians at the exposition to be held at Omaha next summer, believing that with proper management it will be entertaining and instructive, not only to the visitors, but to the Indians as well, and all I can say at this time is that this office will do anything in its power to promote the enterprise and make it a success.

It seems to me that if Congress makes the appropriation asked for by Senator Allen, which, I understand, is \$100,000, there will be no difficulty in bringing together representatives of all the principal tribes as well as representatives of some of the lesser tribes or bands whose characteristics are such that their presence would add as much interest.

It is not stated in the Senator's letter how many Indians are desired for the encampment, but I have heard it suggested that about 600 would be wanted.

I am of the opinion that the entire management of the Indian encampment on the part of the Department should be put in the hands of an experienced officer of this Department, or of an Army officer detailed for that special duty, to act under the orders of this office. The selection of such officer should be made with special reference to his qualifications for the work to be performed. He should not only have executive capacity, but, if possible, should have a thorough general knowledge of the native customs and characteristics of our Indians.

Such officer should be charged with the matter of the transportation of the Indians to and from the exhibition, their care and conduct during the encampment, supplying them with rations, selecting and laying out the camp, etc. He should also disburse the funds appropriated by Congress for the purpose. All this should, of course, be done under the Exposition management or in accordance with such arrangements as might be agreed upon.

As a preliminary step, and in anticipation of the required appropriation by Congress, it is suggested that this office and the Department should have the opportunity to confer with some one in authority in connection with the proposed exposition. The office could then communicate with the Indian agents in charge of the Indians to be represented at the Exposition and give them proper instructions in the matter of preparing for the encampment. I deem it advisable to do this without too much delay, in order that the Indians may have ample time to prepare for the fair and thus be enabled to make the best possible showing.

I return Senator Allen's letter herewith, and inclose a copy of this report.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

THE SECRETARY OF THE INTERIOR.

OMAHA NORTHERN RAILWAY COMPANY.

DECEMBER 13, 1897.—Ordered to be printed.

Mr. ALLEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 2508.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2508) granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago reservations, in the State of Nebraska, and for other purposes, beg leave to report the same favorably, with the following proposed amendment:

After the word "its," in line 5, page 1, insert the words "successors and."

The Omaha Northern Railway Company is duly incorporated under the laws of Nebraska, and contemplates the construction of a railroad from Omaha to a point on the south bank of the Missouri River, opposite Yankton, in the State of South Dakota, together with branch lines through portions of the State. This is a genuine corporation, and your committee has every reason to believe that the road will be constructed within the time contemplated in the bill, and certainly its construction and operation are much needed. The bill is in the usual form adopted by the Senate in such cases.

The line of railway, so far as it affects the Omaha and Winnebago reservations, over which it is to be constructed, follows as closely as practical the west bank of the Missouri River, and runs through a country that does not possess any special value for agricultural purposes, owing to its bluff character.

It is the judgment of your committee that the bill should be passed with the amendment proposed.

SPOKANE FALLS AND NORTHERN RAILWAY.

DECEMBER 13, 1897.—Ordered to be printed.

Mr. WILSON, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 2554.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2554) granting to the Spokane Falls and Northern Railway a right of way through the Colville Indian Reservation, in the State of Washington, submit the following report:

The north half of the Colville Indian Reservation is now open to mineral entry under the laws of the United States, and many valuable deposits of mineral have been discovered there. It contains a large white population engaged in working the mines and prospects recently discovered. These miners and prospectors are greatly handicapped by the inaccessibility of the locality, and will be greatly relieved by the building of the proposed railway. There are no Indians upon the north half of the reservation and no Indian rights will be prejudiced by the passage of the bill.

The committee therefore recommend the passage of the accompanying bill.



PUBLIC BUILDING AT TACOMA, WASH.

DECEMBER 14, 1897.—Ordered to be printed.

Mr. WARREN, from the Committee on Public Buildings and Grounds,
submitted the following

REPORT.

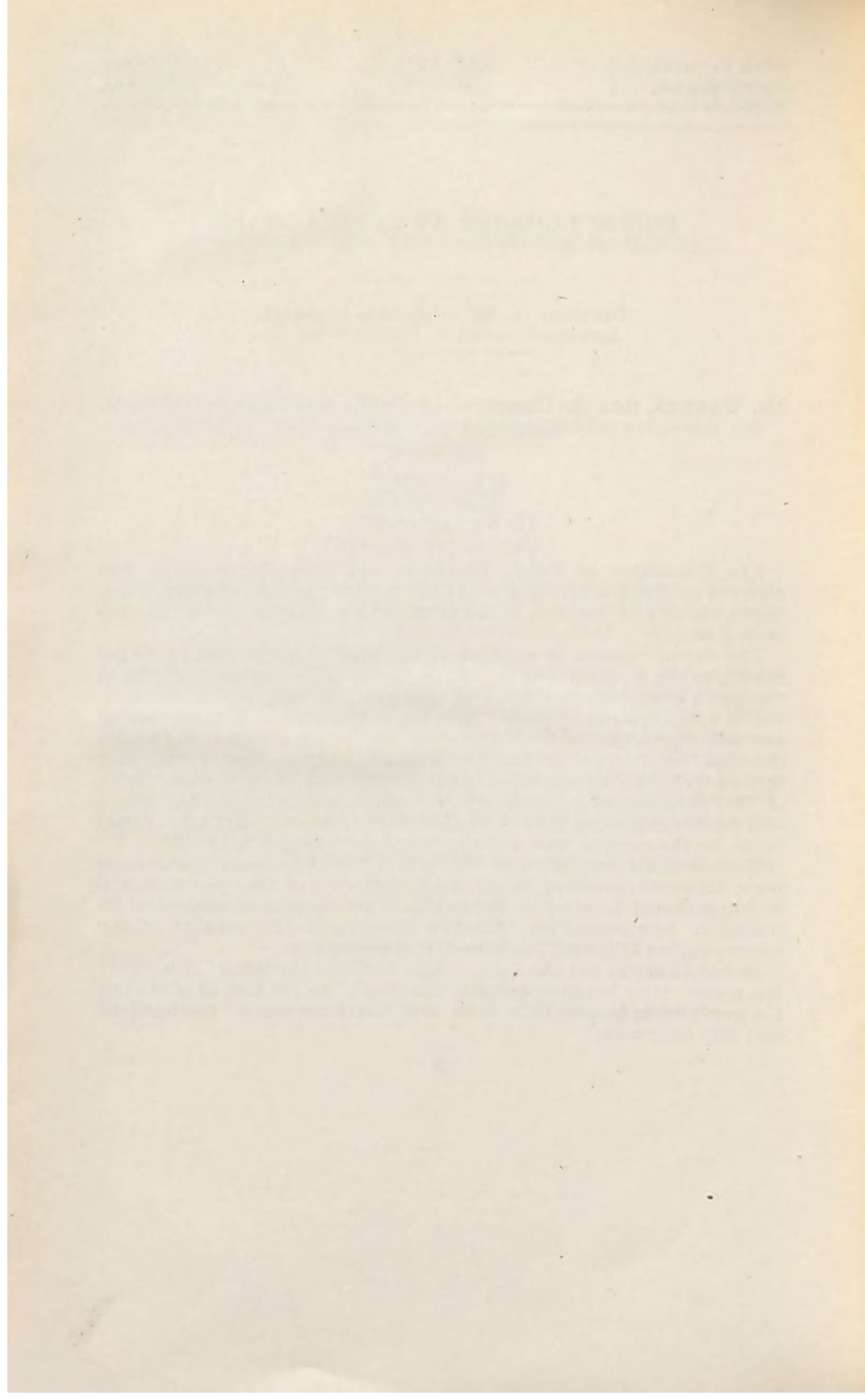
[To accompany S. 347.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 347) to provide for the erection of a public building at the city of Tacoma, in the State of Washington, submit the following report:

The city of Tacoma is situated at the head of navigation on Puget Sound, at the western terminus of the Northern Pacific Railroad, and is the great commercial entrepot of the Orient, having direct communication with Japan and China. More tea is imported at Tacoma than at any other port in the United States, and in the amount of oriental merchandise distributed Tacoma is second only to New York. Her foreign trade in 1896 amounted to \$11,720,293, and for the eleven months of 1897 it amounted to nearly \$12,000,000. Tacoma is the great wheat and lumber exporting port of the Pacific Northwest. Her bank clearances for the current year will aggregate more than \$36,000,000.

Tacoma has a population of 50,000, and, in view of the large Government interests centering there, the committee is of the opinion that a building should be erected there suitable for the proper conduct of its business. The committee therefore recommend the passage of the accompanying bill, with the following amendments:

In line 13 strike out the words "four hundred thousand" and insert the words "two hundred and fifty thousand," and in line 14 strike out the words "four hundred thousand" and insert the words "two hundred and fifty thousand."



HATTIE A. PHILLIPS.

DECEMBER 15, 1897.—Ordered to be printed.

Mr. WARREN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 2013.]

The Committee on Claims, to whom was referred Senate bill 2013, having carefully considered the same, report it back without amendment and recommend that it do pass.

The bill proposes to pay for certain valuable services rendered by John Phillips in 1866 in rescuing the garrison at Fort Phil Kearny, and also a full settlement of claims against the Government, amounting to \$5,785 for oxen, mules, and horses taken from said Phillips while engaged in hauling wood for the Government at Fort Fetterman in 1872. A part of this amount was allowed as an Indian depredation claim, passed upon by the Secretary of the Interior and reported to Congress in 1874, and afterwards passed favorably upon by the Court of Claims, but not paid because of a technicality regarding Mr. Phillips's naturalization papers.

The Committee on War Claims of the House of Representatives in the Fifty-fourth Congress recommended the passage of a bill precisely similar to this bill, and we copy the following from the House report:

[House Report No. 1913, Fifty-fourth Congress, first session.]

* * * In all the annals of heroism in the face of unusual dangers and difficulties on the American frontier or in the world, there are few that can exceed in gallantry, in heroism, in devotion, in self-sacrifice, and patriotism the ride made by John Phillips from Fort Phil Kearny, in December, 1866, to Fort Laramie, carrying dispatches which gave the first intelligence to the outside world of the terrible massacre near the former post, and which saved the lives of the people garrisoned there—men, women, and children—by starting reinforcements to their relief. On the 21st day of December, 1866, Fort Phil Kearny, commanded by Col. Henry B. Carrington, under the shadow of the Big Horn Mountains, over 200 miles from the nearest telegraph line, was the extreme outpost in that part of the Northwest. The savage Sioux, under Red Cloud, had been hovering in the vicinity of the post for some time, and had been last seen in large numbers on Tongue River, northeast of the fort.

On the 21st of December the Indians made an attack upon the wood train a few miles north of the fort. A detachment of troops under the command of Brevet Lieutenant-Colonel Fetterman, including two other officers and 78 men, and a number of civilians, made a dash from the fort for the purpose of protecting the wood train.

When some four miles from the fort they were surrounded by the Indians in overwhelming numbers, and every man of the detachment was killed. The heroism of their struggle for life can never be told, but the terrible slaughter which has since been confessed by the Indians of their braves, and the fact that the troops were only killed after their ammunition was exhausted, speaks eloquently of the horrible and bloody nature of the encounter. The triumphant and bloodthirsty Sioux, commanded by Red Cloud and outnumbering the garrison by twenty to one, had then surrounded and entirely invested the fort. An attack was hourly expected. It was understood that if the Indians were successful in taking the fort it meant death for the garrison and a worse fate for the women and children, who begged piteously to be placed in the powder house and blown up in the case of a successful attack by the Indians.

At this juncture, when brave men felt that the only possible hope for the garrison was in taking news of their beleaguerment to the nearest outside post, and not a soldier could be found who would brave the attempt to break through the savages and ride to the nearest outpost, a distance of 225 miles, John Phillips, a scout and hunter, volunteered to take dispatches to Fort Laramie. Placing a few biscuits in his pockets, tying on his saddle a small quantity of feed for his horse, he left the post at midnight on the night succeeding the massacre and reached Fort Laramie with the dispatches five days later. The country across which he rode was absolutely uninhabited by white men, and the ground was covered with snow from 3 to 5 feet in depth; he had no food for himself or his horse other than the meager amount he took with him, and it was necessary for him to travel entirely by night for fear of hostile Indians. The weather was exceedingly cold, the thermometer reaching 20° below zero. When he delivered the dispatches at Fort Laramie, hardy frontiersman as he was, he fell in a dead faint. Immediately on receipt of the dispatches troops were forwarded from Fort Laramie and the garrison at Fort Phil Kearny was relieved. For this most remarkable act of heroism John Phillips has never in any way been paid by the General Government, the only payment made him being the sum of \$300, which was paid him for various scouting services.

In the years immediately following his heroic ride, John Phillips was employed in various capacities and engaged in business in connection with Government posts, and he was continually hunted and harassed by the Sioux, who always looked upon him as the man who had wrested from their grasp the garrison at Fort Phil Kearny. At one time he was lassoed by the Indians, in an attempt to capture him for the purpose of torture. At other times his cattle were shot down, undoubtedly through pure wantonness on the part of these Indian marauders. In 1872 John Phillips was engaged in hauling wood for the Government at Fort Fetterman, when a band of Indians, supposed to be Ogallala Sioux and Cheyennes, drove off and killed a considerable amount of stock belonging to him. The Sioux chief, Red Cloud, acknowledged this depredation, but insisted that the Indians belonged to another band than his. This claim was passed upon by the Court of Claims, and the evidence was overwhelming, including the evidence of army officers, Indian agents, special examiners, and others, and the Court of Claims allowed and entered judgment for the sum of \$2,210. (See House of Representatives Ex. Doc. No. 125, pp. 82 and 83, Forty-ninth Congress, first session.)

It subsequently transpired that at the time the above depredation occurred, John Phillips was not a fully naturalized citizen of the United States, and therefore the claim was not paid. As the court could not take into account the gallant and meritorious services to his country of this brave man, but could make its decision only on the finding of fact, the claim has never been recognized. Subsequently John Phillips became a fully naturalized citizen of the United States. Broken in health by the exposure and strain of his long and perilous ride, he died in the prime of life, leaving a widow and child in straitened circumstances. There is no question but that John Phillips suffered from Indian depredations other than those at Fort Fetterman, which was passed upon by the Court of Claims, and that the Indians held a grudge against him for his action in saving the Fort Phil Kearny garrison.

The following affidavits, among those before the committee, relate to John Phillips's heroic ride:

"Henry B. Carrington, United States Army, being duly sworn, makes oath and says: That on the 21st day of December, 1866, as colonel of the Eighteenth United States Infantry, and as commanding officer of the Rocky Mountain district, Military Department of the Platte, he found his whole district to be in a state of bitter war with the Indians occupying that country, and was constantly engaged in such warfare; that it became necessary to employ citizen scouts and messengers who were familiar with the country and with Indian methods.

"That on the 21st day of December, 1866, aforesaid, an action took place within 6 miles of Fort Philip Kearny, which post was his headquarters, in which, surprised by Red Cloud, a Sioux chief, and his band of overwhelming numbers, 3 officers and 78 men were killed and mutilated in less than one hour; that several thousand Indians surrounded the post, rendering communication with Fort Laramie, the near-

est post having troops at disposal, impracticable; that the garrison was so small that no troops could be sent back for assistance; that only by the utmost care, all troops being on guard constantly, supported by five pieces of artillery, was the post itself preserved intact; that ammunition had been reduced to less than 20 rounds per man, and neither officers nor men believed it possible to venture through the surrounding Indian forces for help with any hope of success.

"At this juncture John Phillips, used to frontier life, the wiles of the Indians, and convinced that utter destruction awaited the command unless relief were promptly obtained, volunteered his services as dispatch bearer to Fort Laramie, 225 miles distant, through a hostile country, absolutely without inhabitants or the possibility of aid or supplies en route. Confidential dispatches were intrusted to his care, with instructions how to meet emergencies, and during the night after the battle he started on his dangerous mission. Previous mail parties and another party of expert border scouts which left later were scalped, and their bodies and the mails were found on the ground where they were overpowered.

"Phillips, by riding nights and keeping under cover by day, safely reached a telegraph station 40 miles from Fort Laramie just before the Indians attacked and burned it, sent his dispatches, pushed on to Fort Laramie, and found that his dispatches had been received and troops were preparing to go to the relief of the endangered garrison.

"His heroism was without the promise of any special reward, but was executed with rare skill, patriotism, and success. His mission practically rescued the whole country from Indian outrage and brought to that section immediate relief.

"It is impossible to state more strongly the value of his services, which were never adequately requited; and affiant knows of no soldier of the Army whose services more absolutely demand recognition for the sake of his family than do those of the brave, modest, faithful John Phillips, since deceased, leaving his widow in a destitute condition.

"The heroism of Phillips had a peculiarly tender and noble aspect. Lieut. G. W. Grummond was among the massacred party, and his widow was the guest of the family of the affiant and greatly overwhelmed with sorrow, while several other ladies with their families were exposed to the threatened attack. Mrs. Grummond several years later became the wife of the affiant, and her statement of particulars, specially within her knowledge, is furnished for information of those in authority and the consideration of Congress.

"HENRY B. CARRINGTON, U. S. A."

"STATE OF MASSACHUSETTS, *Norfolk County*, ss:

"Before me, a notary public in and for said Norfolk County, personally appeared Henry B. Carrington, of the United States Army, who, being duly sworn, makes oath and says that the statements made in the above affidavit are made of his personal knowledge and are true.

"In witness whereof I have hereunto set my hand and seal notarial this 5th day of June, A. D. 1894.

"[SEAL.]

"HENRY S. BRUNTON, *Notary Public*."

A copy of the dispatch carried by Phillips follows. The official copy can be seen on page 3, Senate Ex. Doc. No. 15, Thirty-ninth Congress, second session.

[Copy of telegram to General Cooke, received at office of United States Military Telegraph, War Department, Washington, D. C., December 26, 1866, 3.15 p. m.]

FORT PHIL KEARNY, DAK. T., *December 21, 1866.*

(By courier to Fort Laramie, December 2.)

Do send me reenforcements forthwith. Expedition now with my force is impossible. I risk everything but the post and its store. I venture as much as anyone can, but I have had to-day a fight unexampled in Indian warfare. My loss is 94 killed. I have recovered 49 bodies, and 35 more are to be brought in in the morning that have been found. Among the killed are Brevet Lieutenant-Colonel Fetterman, Capt. F. H. Brown, and Lieutenant Grummond.

The Indians engaged were nearly 3,000, being apparently the force reported as on Tongue River in my dispatches of the 5th of November and subsequent thereto. This line, so important, can and must be held. It will take four times the force in the spring to reopen if it be broken up this winter. I heard nothing of my arms that left Leavenworth September 15; additional cavalry ordered to join have not reported their arrival; would have saved us much loss to-day; the Indians lost beyond all precedent. I need prompt reenforcements and repeating arms. I am sure to have, as before reported, an active winter, and must have men and arms; every officer of this battalion should join it to-day. I have every teamster on duty and, at best, 119 left at the post. I hardly need urge this matter; it speaks for itself. Give me two

companies of cavalry, at least, forthwith, well armed, or four companies of infantry, exclusive of what I need at Reno and Fort Smith. I did not overestimate my early application; a single company, promptly, will save the line; but our killed show that any remissness will result in mutilation and butchery beyond precedent. No such mutilation as that to-day is on record. Depend on it that this post will be held so long as a round or man is left. Promptness is the vital thing. Give me officers and men. Only the new Spencer arms should be sent. The Indians desperate and they spare none.

HENRY B. CARRINGTON,
Colonel Eighteenth Infantry, Commanding.

Gen. U. S. GRANT.

Copy forwarded to Secretary 27th December.
Official.

E. S. PARKER,
Colonel and Aid-de-Camp.

Frances C. Carrington, resident of Hyde Park, State of Massachusetts, being duly sworn, makes oath and says:

"That on the 21st day of December, A. D. 1866, her husband, Lieut. George W. Grummond, of the Eighteenth United States Infantry, was killed in an action with Sioux Indians near Fort Philip Kearny, in what is now the State of Wyoming; that she was the guest of General Carrington's family when all the troops were rallied for defense of the fort, and families were concentrated for convenience of defense; that during that terrible night, when an attack in overwhelming numbers was constantly expected, John Phillips called to express his sympathy with her; that, overcome by his interest in her condition and the imminent danger of all concerned, and weeping with sorrow over her loss, he said: "If the General wishes, I will go as messenger if it costs me my life." He presented to affiant his wolf robe "to remember him by if he was never heard of again." His whole bearing was manly, brave, unselfish, self-sacrificing, and beyond all praise. He had been respected by all the officers for the quiet courage he always exhibited, and was the only man of the garrison who realized the peril of the garrison to the extent of daring to expose his own life in the desperate attempt to cut through the savage hordes that surrounded us, with any faith in the success of such a mission. He left with the good wishes of all, and it is the smallest possible reward that Congress can offer to provide a suitable support for his widow in her lone and destitute condition.

"FRANCES C. CARRINGTON."

"STATE OF MASSACHUSETTS, *County of Norfolk, ss:*

"Before me, a notary public in and for said Norfolk County, personally appeared Frances C. Carrington, wife of Gen. Henry B. Carrington, who, being duly sworn, makes oath and says that the statements made in the above affidavit are made of her personal knowledge and are true.

"In testimony whereof I have herennto set my hand and seal notarial this 5th day of June, A. D. 1894.

"[SEAL.]

"HENRY S. BRUNTON, *Notary Public.*"

The name of John Phillips should be written among those heroic men the tales of whose heroism, devotion, and patriotism illumine the story of savage warfare on our frontier. The committee believe that the Government does tardy justice to his memory in allowing this claim. It simply reimburses the widow for property actually lost, with a very slight recognition for the gallant and heroic services rendered.

JAMES W. HOWELL.

DECEMBER 16, 1897.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 2121.]

The Committee on Military Affairs, to whom was referred the bill (S. 2121) for the relief of James W. Howell, have duly considered the same, and submit the following report:

The following letter from the War Department gives the military record of Mr. Howell as it now appears on its files, to wit:

RECORD AND PENSION OFFICE,
WAR DEPARTMENT,
Washington City, May 5, 1897.

SIR: Referring to your telephonic request for a statement showing the military history of James W. Howell, late of Company H, Fifty-fourth Illinois Infantry Volunteers, including any record of charges and proceedings that may be on file in his case, I have the honor to inform you that it is shown by the official records that James W. Howell was enrolled December 15, 1861, and mustered into service February 18, 1862, as a private in Company H, Fifty-fourth Illinois Infantry Volunteers, to serve three years; that he reenlisted as a veteran volunteer in the same organization January 1, 1864; that he was tried before a general court-martial upon the charges of mutiny, violation of the forty-fourth article of war, and conduct prejudicial to good order and military discipline; that he was found guilty of the charges and sentenced to be dishonorably discharged the service of the United States to date from July 4, 1865, and to be confined at hard labor in such military prison as the commanding general should designate for the period of five years, and the first two years to wear a 30-pound ball and chain attached to his left leg. The proceedings, findings, and sentence of the court were approved and promulgated, and the penitentiary at Columbus, Ohio, designated as the place of his confinement, in General Orders, No. 10, headquarters United States forces at Pinebluff, Ark., dated July 31, 1865. In Special Orders, No. 521, paragraph 3, War Department, Adjutant-General's Office, dated September 29, 1865, the unexpired portion of his sentence was remitted and it was directed that he be released from confinement and set at liberty, having already been dishonorably discharged the service, and that he be furnished with transportation to his home.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. F. M. COCKRELL,
United States Senate.

A copy of the proceedings of the general court-martial which tried Mr. Howell is attached to this report and made a part hereof.

In the Forty-fourth Congress a bill was pending in the Senate, having been passed by the House for the relief of Emanuel Klauser, of the same company and regiment, and your committee obtained the following letters from the War Department:

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 23, 1877.

SIR: Herewith I return communication of January 17, 1877, addressed to you from Hon. F. M. Cockrell, United States Senate, together with act H. R. 4248 (referred by him), to change the record of, and grant an honorable discharge to, Emanuel Klauser, late corporal Company H, Fifty-fourth Illinois Infantry, and have the honor to invite your attention to a report in the case, dated March 6, 1874, from this office to the Secretary of War (copy inclosed), and his action thereon, set forth in his letter of March 11, 1874, to Lieut. Col. H. H. Scarborough *et al.*, a press copy of which is herewith.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND, *Adjutant-General.*

The SECRETARY OF WAR.

The report therein referred to, dated March 6, 1874, is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 6, 1874.

Respectfully submitted to the Secretary of War.

Emanuel Klauser, late Company H, Fifty-fourth Illinois Volunteers, applies for removal of the charge of mutiny from his record, with a view to issue of an honorable discharge.

The man's application is indorsed by nearly a hundred late officers and soldiers of Illinois volunteers.

It appears from the records of this office that this man, and five others of Company H, Fifty-fourth Illinois Volunteers, was tried by general court-martial for mutiny, violation of 44th article of war, and conduct prejudicial to good order and military discipline. This man was found guilty of mutiny only. He was sentenced to be dishonorably discharged, from July 4, 1865, and to be confined in military prison at hard labor for and during the term of five years. Sentence approved and promulgated in General Orders, No. 10, headquarters United States forces at Pine Bluff, July 31, 1865.

The unexecuted portion of the sentence in case of this man and the five others mentioned above was remitted by the President upon a petition and a report of the Judge-Advocate-General. The order of the President was promulgated in Special Orders No. 521, of September 29, 1865, from this office.

It appears from the papers that this man and the others, tried for mutiny and found guilty except one, joined company at original organization in 1861, and reenlisted as veterans January, 1864, served honorably until July 4, 1865, when, the regiment being ordered out on parade to hear an oration, and these men believing their term had expired, refused to obey the order.

The Judge-Advocate-General, in his report of September 20, 1865, prior to the receipt of the record by him of the trial, stated that while the incidents of the offense clearly establish the guilt of a willful disobedience of orders, there does not appear in the conduct of the prisoners the existence of that criminal animus which is necessary to complete the crime of mutiny; that a strong doubt of their intent to rebel against a lawful order or to combine in a violent resistance against the authority of their commanders is strengthened by the record of their long and honorable service and by the existence among them of a belief that they were entitled to be mustered out and discharged.

It is presumed that the proceedings of the court are now on file in the Judge-Advocate-General's Office.

Any favorable action in case of these six men will necessitate the setting aside the proceedings of the general court-martial in their case, in order to enable them to receive honorable discharges and pay in place of the dishonorable discharges furnished in accordance with their sentences.

E. D. TOWNSEND, *Adjutant-General.*

The letter of the Secretary of War, dated March 11, 1874, therein referred to, is as follows:

WAR DEPARTMENT, *March 11, 1874.*

GENTLEMEN: Referring to your petition of the 13th ultimo, praying that an honorable discharge be granted Emanuel Klauser, late corporal Company H, Fifty-fourth

Illinois Volunteers, I beg to inform you that the Judge-Advocate-General, in a report as to the men of Company H, Fifty-fourth Illinois Volunteers, tried by general court-martial, states that "while the incidents of the offense clearly establish the guilt of a willful disobedience of orders, there does not appear in the conduct of the prisoners the existence of that criminal animus which is necessary to complete the crime of mutiny;" still, as the proceedings were regular and the sentence fully executed, the Executive is powerless to afford the relief desired.

Application should be made to Congress; and the papers are accordingly returned, in order that they may be so submitted if desired.

Very respectfully,

WM. W. BELKNAP, *Secretary of War.*

Lieut. Col. H. M. SCARBOROUGH,
Capt. HENRY HART, and others,
Shelbyville, Shelby County, Ill.

This soldier volunteered and enlisted December 15, 1861, and was mustered into service for three years, and before the expiration of his three years reenlisted and veteranized and served faithfully to July 4, 1865, long after all actual hostilities had ceased.

July 4 was the national holiday, and the captain of his company concluded to assemble his company at 8 o'clock on that day and march them in some parade to hear some oration or speech, whether the men so desired or not. Many of them failed to respond to the roll call at 8 o'clock, and the general court-martial being in existence he was ordered before it, tried, found guilty, and sentenced, which was remitted September 29, 1865, and the soldier released, having already been dishonorably discharged. The evidence fails to show the least indication of mutiny, and the least possible occasion for a roll call and parade. And the sentence was a "cruel and unusual punishment."

Your committee therefore report the bill back to the Senate and recommend its passage.

Proceedings of a general court-martial convened at Pinebluff, Ark., by virtue of the following orders, viz:

SPECIAL ORDERS, } HEADQUARTERS UNITED STATES FORCES PINEBLUFF,
No. 141. } *Pinebluff, Ark., June 3, 1865.*

[Extract.]

V. A general court-martial is hereby convened to meet at 9 o'clock a. m. to-morrow, or as soon thereafter as practicable, for the trial of First Lieut. Z. P. Curlee, Thirteenth Illinois Cavalry Volunteers, and such other prisoners as may be brought before it.

DETAIL FOR THE COURT.

1. Maj. G. W. Davis, Thirteenth Illinois Cavalry Volunteers.
 2. Capt. William Beezley, One hundred and sixth Illinois Infantry Volunteers.
 3. Capt. E. M. Jordan, Sixty-second Illinois Infantry Volunteers.
 4. Capt. J. C. Parcell, Sixty-second Illinois Infantry Volunteers.
 5. Capt. John Shuff, One hundred and sixth Illinois Infantry Volunteers.
 6. First Lieut. Richard E. Turley, One hundred and sixth Illinois Infantry Volunteers.
 7. Second Lieut. C. H. Lyman, Battery H, Second United States Light Artillery (colored).
 8. Second Lieut. J. L. Crain, Thirteenth Illinois Cavalry Volunteers.
- First Lieut. William H. Bush, Sixty-ninth United States Infantry Volunteers (colored), judge-advocate.

No other officers than those named can be assembled without manifest injury to the service.

By order of Brig. Gen. John Edwards:

H. C. WORTHINGTON,
First Lieutenant, Acting Assistant Adjutant-General.

SPECIAL ORDERS, } HEADQUARTERS UNITED STATES FORCES AT PINEBLUFF,
 No. 176. } Pinebluff, Ark., July 12, 1865.

[Extract.]

VII. The following-named commissioned officers of the One hundred and sixth Illinois Volunteer Infantry are hereby relieved from duty as members of general court-martial convened by Special Orders, No. 141, extract 5, current series, from these headquarters, and will report to their regimental commanders for duty without delay: Capt. William Beezley, Capt. John Shuff, First Lieut. Richard Turley.

VIII. The following-named commissioned officers are hereby detailed as additional members of general court-martial convened by Special Orders, No. 141, extract 5, current series, from these headquarters, and will report to Maj. G. W. Davis, president of court, for duty immediately: Capt. R. M. Williams, Fifty-fourth Illinois Veteran Infantry; Capt. J. C. Kennedy, Thirteenth Illinois Cavalry Volunteers.

By order of Col. G. M. Mitchell, Fifty-fourth Illinois Veteran Infantry, commanding:

J. T. SMITH,
Captain and Acting Assistant Adjutant-General.

PINEBLUFF, ARK., 9 o'clock a. m.,
Friday, July 21, 1865.

The court met pursuant to the above orders.

Present: Capt. R. M. Williams, Fifty-fourth Illinois Infantry Veteran Volunteers; Capt. E. M. Jordan, Sixty-second Illinois Infantry Volunteers; Capt. J. C. Parcell, Sixty-second Illinois Infantry Volunteers; Capt. J. C. Kennedy, Thirteenth Illinois Cavalry Volunteers; Second Lieut. C. H. Lyman, Battery H, Second United States Light Artillery (colored); First Lieut. William H. Bush, Sixty-ninth United States Infantry Volunteers (colored), judge-advocate.

Absent: Maj. G. W. Davis, Thirteenth Illinois Cavalry Volunteers; Second Lieut. J. L. Crain, Thirteenth Illinois Cavalry Volunteers.

The court then proceeded to the trial of James W. Howell, private, Company H, Fifty-fourth Regiment Illinois Veteran Infantry Volunteers, who was called into court, and, having heard the order convening the court read, was asked if he had any objections to any member named in the order; to this he replied in the negative.

The court was then duly sworn by the judge-advocate, and the judge-advocate was duly sworn by the presiding officer of the court in the presence of the accused.

The accused then applied to have Lieut. George Pomeroy, Fifty-fourth Illinois Infantry Volunteers, admitted as his counsel. His application was granted, and Lieutenant Pomeroy appeared as counsel for the accused.

The accused, James M. Howell, private, Company H, Fifty-fourth Illinois Veteran Volunteer Infantry, was then arraigned on the following charges and specifications, to wit:

Charges and specifications v. James W. Howell, private, Company H, Fifty-fourth Illinois Veteran Infantry Volunteers.

CHARGE 1.—Mutiny.

Specification.—In this, that Private James W. Howell, Company H, Fifty-fourth Illinois Veteran Infantry, did, together with other members of said company, excite the men of said company to mutiny and refuse to assemble on the company parade ground, they having been ordered to do so by Captain Hart, the company commander.

All this at Pinebluff, Ark., on or about the 4th day of July, 1865.

CHARGE 2.—Violation of the forty-fourth article of war.

Specification.—In this, that Private James W. Howell, Company H, Fifty-fourth Illinois Veteran Infantry, did, on the 4th day of July, 1865, absent himself from the company quarters without leave, and did not return until 11 o'clock a. m. of said day, he having been notified by his commanding officer to be in readiness for parade at 8 o'clock a. m. of said day.

This at Pinebluff, Ark., on the 4th day of July, 1865.

CHARGE 3.—Conduct prejudicial to good order and military discipline.

Specification.—In this, that Private James W. Howell, Company H, Fifty-fourth Illinois Veteran Infantry, did, without just cause or provocation, assault and beat and otherwise abuse a Mr. Campbell, sutler of the Fifty-seventh United States Colored Infantry.

This at Huntersville, Ark., on or about the 6th day of June, 1865.

ANDREW J. TICKNOR,
First Lieutenant Company H, Fifty-fourth Illinois Veteran Infantry.

To which charges and specifications the accused pleaded as follows, to wit:
 To the specification of third charge, "Not guilty."
 To the third charge, "Not guilty."
 To the specification of second charge, "Not guilty."
 To the second charge, "Not guilty."
 To the specification of first charge, "Not guilty."
 To the first charge, "Not guilty."

PROSECUTION.

Captain HART, sworn:

By Judge-Advocate:

Q. What is your name, rank, company, and regiment?—A. Henry Hart; captain Company H, Fifty-fourth Illinois Infantry Volunteers.

Q. Do you know the accused? And if so, state his name, rank, company, and regiment.—A. James W. Howell, private, Company H, Fifty-fourth Illinois Infantry Volunteers.

Q. What do you know about the accused having excited the men of Company H, Fifty-fourth Illinois Infantry Volunteers, to mutiny, and his refusal to go out on parade on the 4th of July, 1865?—A. I know nothing further than that he was not present on the morning of the 4th according to orders.

Q. What orders had been issued concerning the parade to be had on the 4th of July, 1865?—A. I gave orders on the evening of the 3d instant, that every man should be present at 8 o'clock next morning, ready for parade.

Q. Was the accused present when that order was issued?—A. To the best of my knowledge, he was.

Q. Did the accused go out on parade on the morning of the 4th instant?—A. He did not.

Q. Do you know that he was absent from the company quarters at the time of parade on the morning of the 4th instant?—A. He was absent.

Q. Had he been excused from parade?—A. Not that I know of.

Q. Who was in command of Company H, Fifty-fourth Illinois Infantry, on the 4th instant?—A. On the morning of the 4th I was.

Q. How many men of your company were absent from parade that morning without permission?—A. Sixteen.

Q. Did you ascertain why they absented themselves from that parade?—A. I did not.

Q. Did you hear any of those sixteen assign any reason for not attending the parade, either before or after the parade?—A. I heard two of them make some remarks. One stated his eyes were sore, and he did not like to go; and the accused said he did not want to go, and no man could make him go.

Q. Did the accused say why he did not want to go?—A. He did not.

Q. Where did this occur?—A. At the camp of the Fifty-fourth Illinois Infantry, at Pinebluff, Ark.

By COURT:

Q. Have you any knowledge whatever, other than what you have already stated, of why the sixteen men you mention were absent from the parade on the morning of the 4th instant?—A. I have not.

By DEFENSE:

Q. Do you know that the accused was concerned in any plot or conspiracy to excite mutiny in your company on or about the 4th of July, 1865?—A. I do not.

Q. Do you know that the accused persuaded or influenced any man of your company to absent himself from parade that morning?—A. I do not.

Q. Did the accused say he would not go on parade before the time of parade?—A. Not that I know of.

By COURT:

Q. How many of the sixteen men mentioned did you question or converse with on the subject of their absence?—A. All but those in the guardhouse.

Q. What reasons were given by those with whom you conversed (except the two already mentioned) for their absence?—A. None of them could give me any reason unless it was because of their "damned meanness" as they said.

Q. Did they refuse to give any reason other than that you have just mentioned?—A. They did.

Q. Did they make any allusion whatever to any other objection to going on parade?—A. They did not.

JOHN F. MANTZ, sworn.

By JUDGE-ADVOCATE:

Q. What is your name, rank, company, and regiment?—A. John F. Mantz, orderly sergeant, Company H, Fifty-fourth Illinois Infantry.

Q. Do you know the accused? And if so, state his name, rank, company, and regiment.—A. James W. Howell; private, Company H, Fifty-fourth Illinois Infantry.

Q. State what orders were issued to Company H, Fifty-fourth Illinois Infantry in regard to a parade to be had on the 4th of July, 1865.—A. Captain Hart gave orders on the evening of the 3d of July for all the men to be ready for parade on the company parade ground at 8 o'clock next morning.

Q. Was the accused present when that order was issued?—A. To the best of my knowledge he was.

Q. Did he go out on parade on the morning of the 4th instant?—A. He did not.

Q. Had he been excused from going?—A. Not that I know of.

Q. Did you hear the accused make any remarks about going on that parade either before or after the parade?—A. I did not.

Q. How many men of your company were absent from parade on the morning of the 4th without permission?—A. Fourteen.

Q. Did you at any time hear any of those fourteen make any remarks about the parade or give any reason for not going out on that parade?—A. None, with the exception of Sergeant Gaum.

Q. What did Sergeant Gaum say?—A. He said he would rather go to the guard house than celebrate the Fourth of July with "niggers."

Q. Did you hear anyone of your company express any dissatisfaction at the programme arranged for the celebration of the Fourth of July, 1865?—A. One man said it looked rather hard to be forced out to celebrate the Fourth of July with "niggers."

Q. Where did these events transpire?—A. At Pinebluff, Ark.

By COURT:

Q. How did Sergeant Gaum come to make the statement you speak of?—A. He was conversing with me; why he made that statement I can not tell.

Q. Was he conversing on that subject?—A. I don't think he was.

Q. Did he come to your quarters voluntarily or did you send for him?—A. He came voluntarily.

Q. Was there no other conversation in your hearing than that of Sergeant Gaum and the other man you mentioned with reference to the programme of the Fourth of July?—A. There was not.

Lieut. JOHN MILLER sworn.

By JUDGE-ADVOCATE:

Q. What is your name, rank, company, and regiment?—A. John Miller, second lieutenant, Company K, Fifty-fourth Illinois Infantry Volunteers.

Q. Do you know the accused? And if so, state his name, rank, company, and regiment.—A. I have seen him a great many times but am not personally acquainted with him. He is called James Howell in the regiment.

Q. What do you know about the accused having assaulted and beaten a Mr. Campbell, sutler of the Fifty-seventh United States Colored Infantry?—A. I was standing with some other men, and this sutler came out and called to a colored guard and pointed to the accused, and told the guard to arrest him. The accused turned round, and walked up to him and knocked him down. I then stepped up and said there must be no fighting there, and the accused walked off.

Q. Do you know what was the cause of the difficulty?—A. I do not.

Q. When and where did this take place?—A. At Huntersville, Ark., about the 6th June, 1865.

By DEFENSE:

Q. How near were you to the accused when this occurred?—A. I suppose about 6 or 8 yards.

Q. Do you know why the sutler wanted the accused arrested?—A. I do not, only what the sutler told me.

Q. Did you hear any conversation between the parties previous to the sutler's calling to the guard to arrest the accused?—A. I did not.

By COURT:

Q. What did the sutler tell you in explanation of his order to arrest the accused?—A. He told me that this man came up there and called for 6 or 8 glasses of beer. He, the sutler, told him that one man had been up and got some beer and had gone off without paying for it, but says I don't suppose you will do so. The accused said "No." He gave the accused the beer and then the accused says to him, "Now, damn you, get your pay."

Sergeant GEORGE P. STAHL, sworn.

By JUDGE-ADVOCATE:

Q. What is your name, rank, company, and regiment?—A. George P. Stahl, first sergeant, Company K, Fifty-fourth Illinois Infantry Volunteers.

Q. Do you know the accused (Howell); and if so, state his name, rank, company, and regiment.—A. I know him; James Howell, Company H, Fifty-fourth Illinois Infantry. Don't know his rank.

Q. State what you know about the accused having assaulted and beaten a Mr. Campbell, sutler of the Fifty-seventh United States Colored Infantry.—A. I was standing with a lieutenant of the Eighteenth Illinois Infantry and I saw the sutler go to get guards to arrest Jim Howell and Jim turned round and knocked him down.

Q. Did you hear any conversation between the sutler and the accused at that time?—A. I did not.

Q. How far were you from the place where this occurred?—A. About 10 or 15 steps.

Q. When and where did this take place?—On the 6th day of June, at Huntersville, Ark.

Here the prosecution closed, and the accused having no defense to make, the case was submitted to the court.

The court was then cleared, and, after mature deliberation on the testimony adduced, find the accused, James W. Howell, private, Company H, Fifty-fourth Illinois Veteran Infantry Volunteers, as follows:

Of the specification to third charge: "Guilty."

Of the third charge: "Guilty."

Of the specification to second charge: "Guilty."

Of the second charge: "Guilty."

Of the specification to first charge: "Guilty."

Of the first charge: "Guilty."

And the court do therefore sentence him, James Howell, private, Company H, Fifty-fourth Regiment Illinois Infantry Veteran Volunteers, to be dishonorably discharged the service of the United States to date from the 4th day of July, A. D. 1865, and to be confined at hard labor in such military prison as the colonel commanding shall designate for the period of five years. And the first two years to wear a 30-pound ball and chain attached to his left leg.

RUSSELL W. WILLIAMS,
Captain, Fifty-fourth Illinois Infantry Veteran Volunteers,
President pro. tem.

WILLIAM H. BUSH,
First Lieutenant, Sixty-ninth United States Colored Infantry,
Judge-Advocate.

The proceedings and findings in the case of James M. Howell, private, Company H, Fifty-fourth Regiment Illinois Veteran Volunteers, are approved, the sentence is confirmed, and will be carried into execution. The penitentiary at Columbus, Ohio, is designated as the place of confinement.

G. M. MITCHELL,
Colonel, Commanding.

GENERAL ORDERS, } HEADQUARTERS UNITED STATES FORCES AT PINEBLUFF,
No. 10. } *Pinebluff, Ark., July 31, 1865.*

1. Before a general court-martial, which convened at Pinebluff, Ark., pursuant to Special Orders, No. 141, extract 5. dated Headquarters United States Forces at Pinebluff, Ark, Pinebluff, Ark., June 3, 1865, and of which Maj. G. W. Davis, Thirteenth Cavalry Illinois Volunteers, is president, were arraigned and tried—

* * * * *

10. James M. Howell, private, Company H, Fifty-fourth Regiment Illinois Veteran Infantry Volunteers.

Charge first: "Mutiny."

Charge second: "Violation of the 44th Article of War."

Charge third: "Conduct prejudicial to good order and military discipline."

To which charges the accused pleaded as follows:

To the first charge: "Not guilty."

To the second charge: "Not guilty."

To the third charge: "Not guilty."

The court, having maturely considered the evidence adduced, finds the accused as follows:

Of the first charge: "Guilty."

Of the second charge: "Guilty."

Of the third charge: "Guilty."

And the court does therefore sentence him, James M. Howell, private, of Company H, Fifty-fourth Regiment Illinois Veteran Infantry Volunteers, "to be dishonorably discharged the service of the United States, to date from the 4th day of July, 1865,

and to be confined at hard labor, in such military prison as the colonel commanding shall designate, for the period of five years, and the first two years to wear a 30-pound ball and chain attached to his left leg."

* * * * *

The proceedings and findings in the cases of Francis M. Inman and James M. Howell, privates of Company H, Fifty-fourth Regiment Illinois Veteran Infantry Volunteers, are approved. The sentence in each case is confirmed. The penitentiary at Columbus, Ohio, is designated as the place of confinement.

By order of Col. G. M. Mitchell:

J. T. SMITH,
Captain and Acting Assistant Adjutant-General.

Official:

J. T. SMITH,
Captain and Acting Assistant Adjutant-General.

[Extract of Special Orders, No. 521, paragraph 3, Adjutant-General's Office, September 29, 1865.]

3. The unexpired portion of the sentences of the general court-martial, promulgated in General Orders, No. 10, Headquarters United States Forces, at Pinebluff, Ark., of July 31, 1865, in the cases of the following-named men are remitted. They will be released from confinement at the penitentiary at Columbus, Ohio, where they are now supposed to be, and set at liberty, they having already been dishonorably discharged the service:

Emuel Klauser, Nathan T. Garner, Francis M. Inman, James M. Howell, Company H, Fifty-fourth Illinois Veteran Volunteers.

The Quartermaster's Department will furnish them transportation to their homes. By order of the President of the United States:

E. D. T.,
Assistant Adjutant-General.

○

PERRY J. KNOLES.

DECEMBER 16, 1897.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted
the following

R E P O R T.

[To accompany S. 2831.]

The Committee on Military Affairs, to which was referred S. 2831, to correct the military record of Perry J. Knoles, have duly considered the same and submit the following report:

The Record and Pension Office of the War Department made the following report in this case, to wit:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, December 11, 1897.

SIR: Referring to your letter of the 9th instant, received to-day, in which you request that certain information relative to the case of Perry J. Knoles, alias James Maddux, late of Company E, One hundred and first Illinois Volunteers, and of the Second Ohio Heavy Artillery Volunteers, be furnished you, I am directed by the Secretary of War to advise you as follows:

It is shown by the records of this office that Perry J. Knoles was enrolled August 2, 1862, at Bethel, Illinois, and mustered into service September 2, 1862, as a private of Company E, One hundred and first Illinois Infantry Volunteers, to serve three years; that he was captured and paroled by the enemy at Holly Springs, Miss., December 20, 1862, and reported at Benton Barracks January 10, 1863, and that he absented himself from Benton Barracks prior to January 31, 1863, precise date not shown. Nothing has been found of record to show that he was authorized to leave his station in January, 1863, or that he was under military control subsequent to January 31, 1863, and he is borne on the records of his company as having deserted in January, 1863. The regiment remained in service until June 7, 1865.

The records also show that James Maddux was enrolled July 29, 1863, at Camp Dennison, Ohio, and mustered into service August 5, 1863, as a private of Company B, Second Ohio Heavy Artillery Volunteers, to serve three years, and he appears to have served faithfully in this organization until he was honorably discharged, May 11, 1865, at Knoxville, Tenn., under instructions from the War Department, which directed that all soldiers who were then patients in hospitals should, if no longer requiring medical treatment, be at once mustered out of service in the usual manner, this man being at the time absent from his company, undergoing treatment in a hospital at Knoxville, Tenn.

The signature of Perry J. Knoles as of the One hundred and first Illinois Infantry has not been found of record, and the records of the Second Ohio Heavy Artillery show that James Maddux signed by mark. The locality of his residence at the time of his enlistment is not indicated by the records of either organization, but they show that he was born in Pickaway County, Ohio. Under both enlistments the man was entitled to \$100 United States Government bounty. It is not known to this office that any local bounties were paid in Illinois during 1862, and though in 1863 local bounties were paid by some counties of Ohio ranging from \$50 to \$200, nothing has been found of record in this office to show that Maddux was credited to any county paying such bounty or that he received any local bounty.

Applying to this Department in 1896 for removal of the charge of desertion from his record as of Company E, One hundred and first Illinois Infantry Volunteers, Perry J. Knoles declared that after his parole he did not receive notice of his exchange until months afterward, and that, supposing it to be too late to return to his regiment, he enlisted in Company B, Second Ohio Heavy Artillery, under the name of James Maddux. In a subsequent affidavit he also declared that one reason for not returning to his regiment was his fear that he would be shot, and that he therefore enlisted in the Second Ohio Heavy Artillery. In still another affidavit he declared that in July, 1863, he received a letter from his mother in Illinois to the effect that he had been declared exchanged, and that thereupon he went to Camp Dennison, Ohio, where he was advised by a major to enlist in the battery because he could not then rejoin his regiment.

It is deemed proper to state that this man was declared duly exchanged as a prisoner of war on January 10, 1863, in General Orders No. 10, from the War Department, of that date, which orders were widely published throughout the United States at the time of their promulgation, and which directed that all soldiers then absent, in virtue of being paroled, should immediately return to duty with their proper commands.

The only testimony submitted in this case consists of the affidavits of two late comrades of the soldier, who testified that he was captured and paroled by the enemy, as shown by the records.

Upon this presentation of the case the Department was constrained to deny the application for removal of the charge of desertion, on the ground that the period of absence between desertion and reenlistment exceeded four months, and because the case did not come within any of the other provisions of the act approved March 2, 1889, which was, at the time of denial of the application, and which is now, the only law in force governing the subject of removal of charges of desertion.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. F. M. COCKRELL,
United States Senate.

This record clearly shows that this soldier had no intention of deserting the service of his country or the cause of the Union, and that he was uneducated and necessarily had to rely upon others for information, and received no additional bounty. His absence from the service was five months. Had it been four months or less the War Department would have been authorized to correct his record, and would doubtless have done so.

His case is exceptional, and your committee report the bill back to the Senate and recommend its passage.

HYDROGRAPHIC OFFICE, NAVY DEPARTMENT.

DECEMBER 16, 1897.—Ordered to be printed

Mr. HALE, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 2754.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2754) to amend sections 431 and 432 of the Revised Statutes, relating to the Hydrographic Office in the Navy Department, having examined the same, make the following report:

The bill was drawn on the Navy Department and sent to the committee with the following communication:

NAVY DEPARTMENT,
Washington, December 8, 1897.

SIR: Section 431, Revised Statutes, provides that the Hydrographic Office shall be attached to the Bureau of Navigation, Navy Department.

It is the duty, at present, of the Bureau of Equipment to supply to ships nautical instruments and all other supplies pertaining to navigation, except charts and nautical books. The Bureau of Equipment also has charge of the Naval Observatory, the Nautical Almanac Office, and the Compass Office.

When the duties of the various bureaus of the Department were assigned on the present basis by ex-Secretary Tracy, it was his desire to place the Hydrographic Office under the Bureau of Equipment. In fact an order was issued to that end, but as it was subsequently ascertained that this transfer could not legally be made, the office has, up to the present time, remained attached to the Bureau of Navigation.

It is my desire to place the Hydrographic Office under the Bureau of Equipment, in order that the latter may have charge of all work of a hydrographic nature. There is an intimate association of duties performed at the Naval Observatory, Nautical Almanac Office, Compass Office, and the Hydrographic Office.

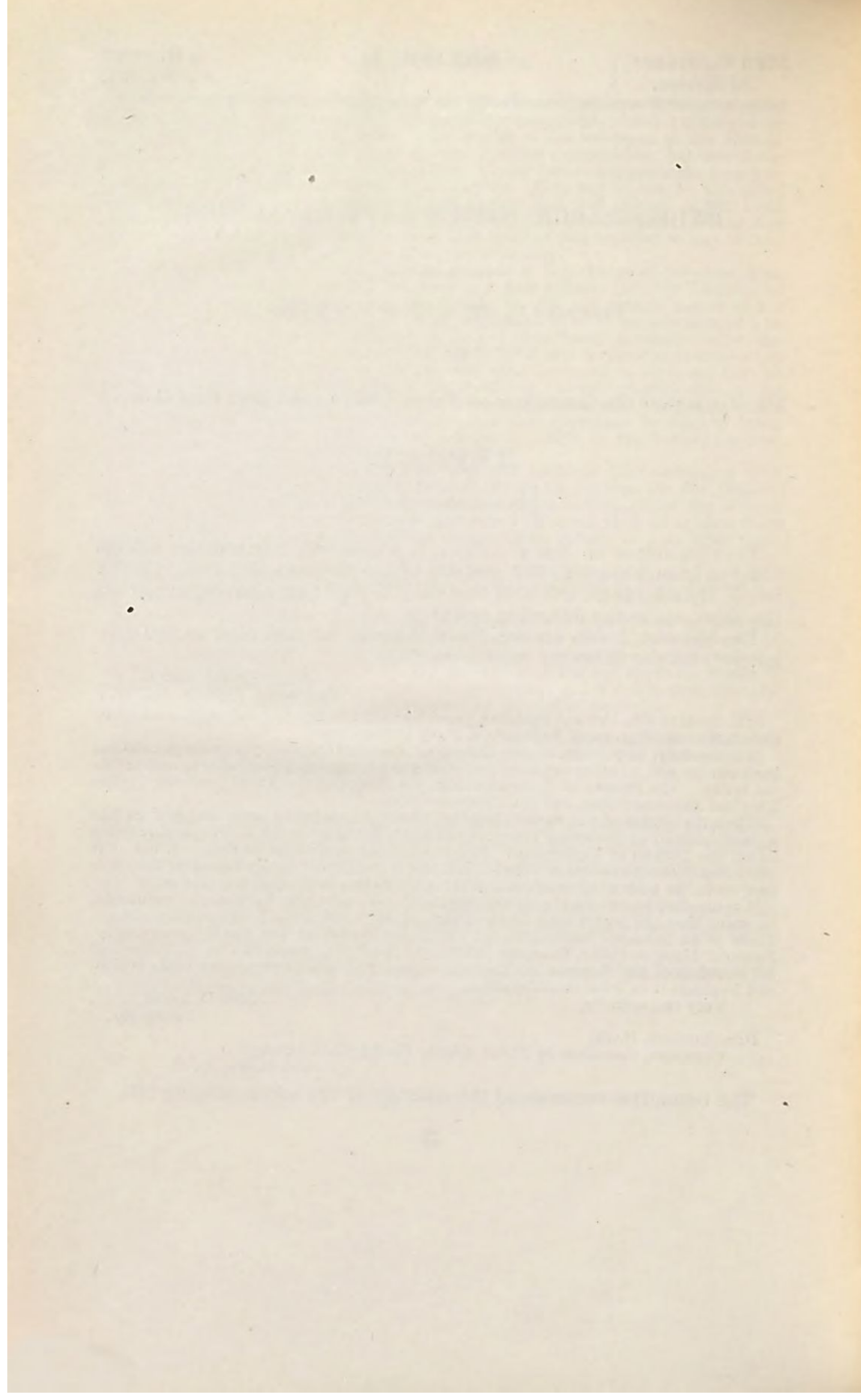
The chiefs of the Bureaus of Navigation and Equipment recommend this action, and I submit it to your consideration.

Very respectfully,

JOHN D. LONG,
Secretary.

Hon. EUGENE HALE,
Chairman, Committee on Naval Affairs, United States Senate,
Washington, D. C.

The committee recommend the passage of the accompanying bill.



LIGHT-HOUSE, NEAR WILMINGTON, N. C.

DECEMBER 16, 1897.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 1863.]

The Committee on Commerce, to whom was referred the bill (S. 1863) entitled "A bill for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C.," make a favorable report upon the same. The following statement in regard to the situation at Wilmington occurs in the last eight annual reports of the Light-House Board:

The shoals forming the continuation of this cape for about 18 miles to the south-east are dreaded by shipmasters only a little less than those at Cape Hatteras. At present a light-ship near the outer extremity of the shoals warns vessels of danger and gives them a good point of departure. This aid to navigation can not be dispensed with; but it is not sufficient to insure adequate protection to the large number of domestic and foreign vessels attracted to this point by the considerable and increasing trade of the neighboring port of Wilmington, N. C., because of the small area lighted by it, and because of its liability to be set adrift from its moorings during heavy storms, which is the very time when its light is most needed. The present Cape Fear light (Bald Head), on account of its inland position and want of height, does not cover the shoal, and therefore does not give sufficient warning to vessels when the light-ship may have drifted from her moorings.

A first-order light-house built on the pitch of Cape Fear, with a radius of 18½ miles of light, would be seen so far as to give timely warning, and the fact of being near enough to the coast to see it would be a sufficient indication that the observer should make a better offing. Other reasons for a first-order light-house here may be found in the better protection it would afford to the bight lying north of the cape, which has been left dark since the discontinuance of Federal Point light-station in 1880. The proposed light would more than compensate for the one discontinued at Federal Point. It may be proper to add that there is no first-order light-house between Cape Lookout, North Carolina, and Cape Romain, South Carolina, a distance of about 170 nautical miles. Recent changes in the lighting of the entrance to Cape Fear River have almost eliminated the Cape Fear light-house (Bald Head) as a harbor light. Its only use is that of a rear beacon to a stake light forming a range to guide up the river after crossing the bar. Upon the establishment of the proposed new light on the pitch of Cape Fear the old light might be discontinued, as the tower and the keeper's dwelling are antiquated and discreditable to the Light-House Establishment.

Urgent petitions have been presented to the Light-House Board by the Commercial and Pilot Associations of Wilmington, N. C., and by

shipmasters trading to that port, in favor of a new and satisfactory light. It is estimated that a tower 150 feet high, with suitable oil room, keeper's dwellings, and outbuildings on the pitch of Cape Fear, will cost \$70,000; and the board recommends that this amount be appropriated therefor. As it is proposed to discontinue the light at the entrance to Cape Fear River upon the establishment of a first-order tower upon the pitch of Cape Fear, no expenditures have been made at the station recently. The letter from the Treasury Department, recommending the passage of the bill, is given below:

TREASURY DEPARTMENT,
Washington, D. C., May 6, 1897.

SIR: I have the honor to acknowledge the receipt of a letter from your committee, dated May 4, 1897, inclosing Senate bill No. 1863, for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C., and asking suggestions touching the merits of the bill and the propriety of its passage.

This matter was referred to the Light-House Board, which reports that the estimates submitted by the board, included the light station referred to. The board therefore recommends the passage of the bill.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

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LIGHT-HOUSE, ETC., NEAR POLLOCK RIP SHOALS.

DECEMBER 16, 1897.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 626.]

The Committee on Commerce, to whom was referred the bill (S. 626) for the establishment of a light-house and fog signal at a point north of the bell buoy near the broken part of Pollock Rip Shoals, on the coast of Massachusetts, make a favorable report upon the same.

The legislation embodied in this bill has been requested by numerous petitions from vessel owners and masters, who state that all the immense traffic on the eastern coast of the United States and British provinces is carried by Pollock Rip, and the only guide for vessels to the entrance of Nantucket Shoals is a bell boat or buoy, which has often drifted from its position or been disabled. The vessel men state as their preference a light-house at least 75 or 100 feet in height above the sea level and provided with a powerful steam whistle or gun.

Navigation among the Nantucket shoals is extremely intricate, owing to the number and the shifting character of the sand shoals off the shores of Monomoy. The light-house on this point is supplemented by three light-ships, which frequently part their moorings or suffer collisions with passing vessels. The Pollock Rip light vessel suffered such collision with the schooner *Gypsy Queen* in October, 1896, and during a severe gale in November she dragged about 1 mile from her station. On the night of November 3 a loaded barge belonging to the Central Railroad of New Jersey ran into the light vessel, carrying away her rudder post and main boom. The damage was repaired at the expense of the owners of the barge. Upon November 13, 1895, the key came out of the 30-fathom shackle and the vessel went adrift, anchoring about 2 miles from her station. On November 15 of the same year she was replaced at single anchor, as her moorings could not be recovered for several days on account of bad weather. On January 15, 1896, she was taken in for repairs made necessary by collision, and had to be replaced by a relief light vessel. In September, 1896, the Shovelful Shoal light vessel near Pollock Rip was run into by an unknown vessel

and damaged. A thoroughly equipped light-house at this point is extremely desirable in view of the heavy traffic.

The bill was referred to the Treasury Department, and answer was returned that at the instance of the Light-House Board an experimental steel structure was placed on the shoals during last September, and was found upon recent examination to be in good condition. The Light-House Board estimates that a suitable structure can be located in this locality for \$80,000, and an item to this effect is included in the estimates submitted to Congress. The reports of the Treasury Department and the petitions for the establishment of the light are given herewith.

TREASURY DEPARTMENT,
Washington, D. C., December 11, 1897.

SIR: I have the honor to acknowledge the receipt of a letter from your committee, dated December 8, 1897, inclosing Senate bill 626, for the establishing of a light-house and fog signal at a point north of the bell buoy near the broken part of the Pollock Rip Shoals, on the coast of Massachusetts, and asking suggestions touching the merits of the bill and the propriety of its passage.

I have to inform you, at the instance of the Light-House Board, that an experimental steel structure was placed on the shoals in September last, and was found upon recent examination to be in good condition.

The Light-House Board estimates that a suitable structure can be erected in this locality for \$80,000, and an item to that effect was included in the estimates recently submitted to Congress.

Respectfully, yours,

L. J. GAGE, *Secretary*.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

TREASURY DEPARTMENT,
Washington, D. C., March 25, 1897.

SIR: I have the honor to acknowledge the receipt of the letter from your committee of March 20, 1897, inclosing Senate bill No. 626, for the establishment of a light-house and fog signal on Pollock Rip Shoals, Massachusetts, requesting suggestions touching the merits of the bill and the propriety of its passage, and the return of the petitions requesting this light forwarded to the Department in January last.

In reply I beg leave to say that the matter, upon its reception, was referred to the Light-House Board, which reports that the matter will be considered at a session of the full board on April 5, 1897, and that you will be informed through the regular channels of the conclusion then reached.

The petitions in question are herewith returned, copies of them having been retained.

Respectfully, yours,

L. J. GAGE, *Secretary*.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

E. C. CHIROUSE.

DECEMBER 16, 1897.—Ordered to be printed.

Mr. WILSON, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 351.]

The Committee on Indian Affairs, to whom was referred the bill (S. 351) entitled "A bill to authorize the Auditor for the Interior Department to settle and adjust the accounts of E. C. Chirouse, Indian agent at the Tulalip Agency, Washington," having had the same under consideration, recommend the passage of the bill.

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RICHARD C. SILENCE.

DECEMBER 16, 1897.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 2149.]

The Committee on Military Affairs, to which was referred the bill (S. 2149) for the relief of Richard C. Silence, have duly considered the same and submit the following report:

This bill authorizes the Secretary of War to recognize Richard C. Silence as first lieutenant of Company I, First Regiment of West Tennessee Cavalry, from November 29, 1862, to March 7, 1863, and to issue to him an honorable discharge accordingly. The papers in this case were submitted to the Secretary of War, who, after thorough consideration, recommended the passage of this legislation, as the War Department did not have authority to afford the relief. Said report from the Secretary of War is hereto attached and made a part hereof.

Your committee report the bill back to the Senate and recommend its passage.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, June 12, 1897.

SIR: Referring to the case of Richard C. Silence, late first lieutenant of an incomplete company known as Company I, First Tennessee Cavalry Volunteers, papers in which case were submitted by you on the 20th ultimo, and in reply to your request to be advised as to what relief, if any, can be afforded by this Department in the case, and if none, what relief can justly and properly be granted by special act of Congress, the Acting Secretary of War, who has personally considered this case, directs me to inform you as follows:

It is shown conclusively by the records and the papers submitted that R. C. Silence was duly authorized in the spring or summer of 1862 to raise a company of Tennessee cavalry volunteers, and that under that authority he had by the 29th of November, 1862, enlisted an incomplete company, consisting of 39 men, of which incomplete company he had been elected first lieutenant. These men were duly mustered into the service of the United States on November 29, 1862, and at the same time the mustering officer went through the form of mustering Silence into the United States service as first lieutenant of the incomplete company, and certified on the muster-in roll of the men that he had done so. It is also shown that Silence performed service of a military character as first lieutenant in command of his incomplete company until as late as March 7, 1863, when he and what remained of the company were

ordered to Humboldt, Tenn., after which no further record of the detachment has been found. In fact, everything was done that was necessary to make him a lieutenant in the volunteer service of the United States if his detachment of men or incomplete company had consisted of 41 instead of 39 men. At that time, however, the Government had not authorized the acceptance or muster in of a volunteer lieutenant of a cavalry company unless and until the company had in it as many as 41 men; and for this reason it must be held that the act of the mustering officer was a nullity so far as Silence was concerned, and that the act did not make him a lieutenant in the volunteer service of the United States.

Although this Department is precluded, under the law, in view of the regulations in force at the date of the attempted muster in of Silence, from recognizing him as having been a lieutenant in the volunteer military service of the United States, the case appears to be one in which the applicant is eminently deserving of relief, and it is suggested that a special act of Congress, authorizing and directing the Secretary of War to recognize Silence as first lieutenant, Company I, First West Tennessee Cavalry, from November 29, 1862, the date the incomplete company of that designation was mustered in, to March 7, 1863, when a command for him ceased to exist, would give him the recognition to which he appears to be equitably entitled.

The papers submitted by you are herewith returned.

Very respectfully,

F. C. AINSWORTH,

Colonel, United States Army, Chief, Record and Pension Office.

Hon. F. M. COCKRELL,

United States Senate.



THE WESTERN PAVING AND SUPPLY COMPANY.

JANUARY 20, 1898.—Ordered to be printed.

Mr. FAIRBANKS, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 1055.]

The Committee on Claims, to whom was referred the bill (S. 1055) to provide for the payment of the claim of the Western Paving and Supply Company for paving the streets adjacent to the United States post-office and custom-house property and building at Indianapolis, Ind., have considered the same, and submit the following report thereon:

It appears that in August, 1889, the city of Indianapolis entered into a contract with the Western Paving and Supply Company to pave with Filbert vulcanite asphaltic pavement the roadway of Pennsylvania street and to curb the gutters thereof, which street passes in front of and abuts the west side of said post-office and custom-house building; that in October, 1889, the said city entered into a contract with the same company to grade and pave with Filbert vulcanite asphaltic pavement the roadway of Court street and curb the gutters thereof, which street passes the side of and abuts the south end of the said United States post-office and custom-house building; that in June, 1893, said city entered into a contract with the same company for the improvement of the roadway of Market street by grading and paving the same with standard Trinidad asphalt sheet pavement, which street passes the side of and abuts the north end of the said post-office and custom-house building.

It further appears that the United States owns to the center of the said Pennsylvania, Market, and Court streets adjacent to the said post-office and custom-house building, and that it should pave and take care of its half of the said streets.

Certificates from the board of public works of the city of Indianapolis were submitted to the committee, which are in the words and figures following:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
Indianapolis, December 31, 1897.

DEAR SIR: With reference to the claim of the Western Paving and Supply Company, the board of public works of the city of Indianapolis beg leave to submit the following statement relating to the improvement above named:

First. Previous to the year 1889 the roadway of Pennsylvania street, from Washington street to Ohio street, had been bowldered. During the year 1889 the traffic on this street became heavy and business interests demanded that its roadway be permanently improved. On this account, and owing to the fact that Pennsylvania street, from Washington street to Ohio street, was one of the principal business streets of the city, the city authorities in 1889 decided to improve the street by paving the roadway with asphalt.

Second. In accordance with this decision the common council of Indianapolis, on July 5, 1889, passed special ordinance No. 105, 1889, authorizing the improvement of this roadway, as above named. The same ordinance was considered and passed by the board of aldermen of said city on July 22, 1889, the ordinance being approved by the mayor on July 22, 1889.

Third. After the necessary advertisements had been made, showing the intention of the city to make this improvement, the common council and board of aldermen received sealed proposals for the improvement, the lowest bidder being the Western Paving and Supply Company, whose figures were: To charge the sum of \$6.66 per linear foot on each side of the roadway for the asphalt pavement, and to charge the sum of 50 cents per linear foot, each side, for curbing. The contract for this work was awarded to the Western Paving and Supply Company at the prices above named. A written contract was entered into on August 27, 1889, with this company for the performance of the work.

Fourth. On the 21st day of October, 1889, after this asphalt roadway had been finished and completed to the satisfaction of the city civil engineer, the common council allowed a final estimate and approved an assessment roll showing the property assessed for the improvement and the amount assessed against each piece of property. On the 28th day of October, 1889, the board of aldermen passed its approval upon this work.

Fifth. The property owned by the United States Government, abutting on this street and assessed for the improvement hereinbefore described, known as the "Post-office" is lot No. 6 in square 57—being assessed the sum of \$909.09 for 195 feet of asphalt, and the sum of \$37.50 for 75 feet of curbing put in—the total assessment made against the Government being \$946.59, which assessment is due and payable to the said Western Paving and Supply Company.

Sixth. The records in this Department show that every assessment made against property for this improvement has been fully paid, except the assessment of \$946.59 made against the United States Government.

Seventh. We beg to further state that the price paid by the property owners for paving with asphalt the roadway of this street was a reasonable assessment for the work done, and that the assessment were no more than made on other streets where the character of the improvement and other conditions were similar.

Very respectfully,

M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,
Board of Public Works.

The CHAIRMAN OF THE COMMITTEE ON CLAIMS,
UNITED STATES SENATE,
Washington, D. C.

STATE OF INDIANA, *Marion County, ss:*

Personally appeared before the undersigned, a notary public in and for said county and State, M. A. Downing, W. Scott Moore, and T. J. Montgomery, who acknowledged the execution of the above instrument.

Witness my hand and notarial seal this December 31, 1897.

[SEAL.]

BART PARKER, *Notary Public*

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD,
Indianapolis, December 31, 1897.

DEAR SIR: With reference to the claim of the Western Paving and Supply Company, the board of public works of the city of Indianapolis beg leave to submit the following statement, relating to the improvement above named:

First. On the subject as to the necessity of making this improvement: Court street is a 30-foot east and west street, one-half square north of Washington street, and connecting two of our most prominent business streets, viz, Delaware street and Pennsylvania street. It is used constantly for business purposes, and it is so centrally located that the municipal authorities were compelled to improve the roadway of this street.

Second. The common council of Indianapolis, on September 2, 1889, passed special ordinance No. 165, 1889, authorizing the improvement of the roadway of this street, as above named. The same ordinance was considered and passed by the board of aldermen of said city on the 9th day of September, 1889, the ordinance being approved by the mayor on the same day—September 9, 1889.

Third. After the necessary advertisements had been made showing the intention of the city to make this improvement, the common council and board of aldermen received sealed proposals for the improvement, the lowest bidder being the Western

Paving and Supply Company, whose figures were: To charge the sum of \$2.89 per linear foot on each side of the roadway for the asphalt pavement and to charge the sum of 60 cents per linear foot, each side, for curbing. The contract for this work was awarded to the Western Paving and Supply Company at the prices above named. A written contract was entered into on October 31, 1889, with this company for the performance of the work.

Fourth. On the 2d day of December, 1889, after this asphalt roadway had been finished and completed to the satisfaction of the city civil engineer, the common council allows a final estimate and approves an assessment roll showing the property assessed for the improvement and the amount assessed against each piece of property. On the 12th day of December, 1889, the board of aldermen passed its approval upon the work, allowing the final estimate and approving the assessment roll.

Fifth. The property owned by the United States Government, abutting on this street and assessed for the improvement hereinbefore described, known as the "post-office" building, is described as follows:

Lot 4, square 57, roadway, 67½ feet, \$195.07½; curbing, 67½ feet, \$40.50.....	\$235.58
Lot 5, square 57, roadway, 67½ feet, \$195; curbing, 67½ feet, \$40.50.....	235.57
Lot 6, square 57, roadway, 67½ feet, \$195.07½; curbing, 67½ feet, \$40.50.....	235.57
Total	706.72

which assessment is due and payable to the said Western Paving and Supply Company.

Sixth. The records in this Department show that every assessment made against property for this improvement has been fully paid, except the assessment of \$706.72 made against the United States Government.

Seventh. We beg to further state that the price paid by the property owners for paving with asphalt the roadway of this street was a reasonable assessment for the work done, and that the assessment was no more than made on other streets where the character of the improvement and other conditions were similar.

Very respectfully,

M. A. DOWNING,
W. SCOTT MOORE,
T. J. MONTGOMERY,
Board of Public Works.

The CHAIRMAN OF THE COMMITTEE ON CLAIMS,
UNITED STATES SENATE,
Washington, D. C.

STATE OF INDIANA, *Marion County, ss:*

Personally appeared before the undersigned, a notary public in and for said county and State, M. A. Downing, W. Scott Moore, and T. J. Montgomery, who acknowledged the execution of the above instrument.

Witness my hand and notarial seal, this December 31, 1897.

[SEAL.]

BART. PARKER, *Notary Public.*

DEPARTMENT OF PUBLIC WORKS, OFFICE OF THE BOARD,
Indianapolis, October 25, 1893.

SIR: The city of Indianapolis, on the 17th day of March, 1893, by the board of public works, passed improvement resolution No. 22, 1893 (Exhibit A), as provided by its charter (Exhibit B), providing for the paving of Market street, in said city, between Pennsylvania street and Alabama street. On the 26th day of April, 1893, bids were accepted, and, the Western Paving and Supply Company's bid being the lowest, a contract (Exhibit C) was entered into to pave said street. On the 10th day of July, 1893, the work having been completed according to the contract and specifications, the board of public works granted a final estimate (Exhibit D).

Under our charter the cost of paving streets is assessed against the abutting property. The post-office in this city abuts on this street, and is assessed, as appears by the final estimate (Exhibit D), with \$2,353.42, which is owing to said Western Paving and Supply Company.

Very respectfully,

A. W. CONDUITT,
J. A. WILDMAN,
A. KRAMER,
Board of Public Works.
H. A. MANSFIELD,
City Civil Engineer.

The CHAIRMAN OF THE HOUSE OR SENATE
FINANCE COMMITTEE OF THE UNITED STATES,
Washington, D. C.

The following letter is on file with the committee from Hon. William Wallace, postmaster, written under date of May 21, 1890, the said Wallace at that time being the custodian of the said post-office and custom-house building:

MAY 21, 1890.

DEAR SIR: The Western Paving and Supply Company, of this city, has paved with asphaltum Pennsylvania and Court streets in front of and along the Government property in this city, according to their contract and in pursuance to the city ordinance therefor, and all property owners have paid their assessments.

The improvement was a valuable one and was necessary. There was no authority for doing the work in front of the Government property other than the city ordinance and the necessity for the improvement. The Government claims that its property is without the jurisdiction of the city authorities, and, there being no appropriation for such work, declines to pay the assessment made by the city authorities against the Government property.

Truly, yours,

WM. WALLACE,
Postmaster.

Hon. W. D. BYNUM, M. C.,
Washington, D. C.

Certified copies of the ordinances of the said city of Indianapolis, of the specifications and improvement resolutions for the said work, of the contracts and bonds of the said paving company, and of the assessment rolls and final estimates allowed by the city engineer and the board of public works of the said city, have been filed with the committee, showing that the contracts were awarded to the lowest bidder, the Western Paving and Supply Company, after due and public advertisement of the work to be performed; that the work has been completed in a satisfactory manner and accepted by the city; that the assessments made upon the private property holders for the cost of the improvements properly chargeable to them, according to the city ordinances, have been paid; that the proportionate share of the cost of the improvements chargeable to the United States, according to the number of linear feet of property owned by the Government abutting the said streets, is as follows:

On Pennsylvania street	\$946. 59
On Court street.....	706. 72
On Market street.....	2, 353. 42
Total chargeable to the United States.....	4, 006. 73

The Western Paving and Supply Company desires to receive from the Government compensation for the work performed, and the Committee on Claims, after due consideration, recommend the passage of the said bill.

BENJAMIN L. NOLAN.

DECEMBER 17, 1897.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 2807.]

The Committee on Pensions, to whom was referred the bill (S. 2807) granting a pension to Benjamin L. Nolan, have examined the same and report:

A similar bill was introduced in the House of Representatives during the first session of the Fifty-fifth Congress, favorably reported, and passed. Your committee find the following facts, as submitted in said report:

Claimant served in Company D, Eighth Massachusetts Infantry, from September 11, 1862, to August 7, 1863; in Company A, Seventeenth Massachusetts Infantry, from January 14, 1864, to July 11, 1865; in Troop E, Fourth United States Cavalry, from November 11, 1865, to November 11, 1868, and in Troop G, Third United States Cavalry, from August 9, 1870, to August 9, 1875.

He filed an application under the general law, alleging disability resulting from a cut on the left hip. This claim was rejected May 4, 1893, on the ground that the wound was not incurred while in the line of duty.

The soldier also applied under the act of June 27, 1890, but was twice rejected on the ground of no ratable degree of disability.

The medical board which examined him last, October 6, 1895, gives the following rating: Wound of left hip, six-eighteenths; lumbago, four-eighteenths; eczema, eight-eighteenths; rheumatism, four-eighteenths; in all, twenty-two eighteenths. No vicious habits.

Your committee believe that the claimant is justly entitled to \$12 per month, and therefore respectfully recommend the passage of the bill.

JAMES E. TOLFREE.

DECEMBER 18, 1897.—Ordered to be printed.

Mr. HALE, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 1212.]

The Committee on Naval Affairs, to whom was referred the bill (S. 1212) for the relief of Paymaster James E. Tolfree, United States Navy, having considered the same, recommend its passage, and adopt as their report that previously submitted on a like bill and appended herewith.

[Senate Report No. 404, Fifty-first Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2775) for the relief of Paymaster James E. Tolfree, U. S. Navy, having had the same under consideration, beg leave to submit the following report:

A bill of this same character and identical in its provisions was considered by this committee during the first session of the Forty-ninth Congress, and favorably reported to the Senate on June 3, 1886. The committee are still of the same opinion, and report the bill without amendment with the recommendation that it do pass, and append hereto and make part of this report the former report made on June 30, 1886.

The bill also passed the Senate in the Fiftieth Congress.

[Senate Report No. 1421, Forty-ninth Congress, first session.]

The Committee on Naval Affairs submit the following letter as the committee's report on Senate bill 2399:

U. S. FLAGSHIP TRENTON,
Yokohama, Japan, March 8, 1886.

SIR: In obedience to your order of the 5th instant we have the honor to report as follows: Paymaster James E. Tolfree having been ordered to join the *Trenton* at this place, and arriving several days before the *Trenton*, had taken up his quarters at the Windsor. Upon the arrival of the *Trenton*, on the afternoon of the 7th ultimo, Paymaster Tolfree reported for duty on board, but being unable to occupy his quarters, Paymaster Lyon not having been detached, he returned to the Windsor House. At a little past 4 on the morning of the 8th ultimo the Windsor House was discovered to be on fire. Paymaster Tolfree, upon awakening, found his room full of smoke and lighted by flames from the fire, which was in an adjoining room. Hastily throwing on a few clothes he rushed into the hotel corridor to arouse the inmates of the other rooms.

In ignorance of the extent of the fire, stopping to take nothing but two small handbags from his room, he tried to render what assistance he could to clear the hotel of guests, who were dazed by the smoke. After going down stairs he went to the trunk-room, where most of his luggage was stored, and endeavored to drag therefrom a box

containing books and blanks, the property of the United States, as well as the pay rolls, final returns, and other papers appertaining to his last quarterly accounts as paymaster of the U. S. R. S. *Vermont*. This box was too heavy for him to handle alone; he could obtain no assistance, and was finally driven by the flames to relinquish his attempt to save the property.

The flames were so rapid in their advance that there appears to have been little time to look to the saving of anything but human life. We learn that several of the inmates of the house barely escaped with their lives. That the contents of the box above mentioned were entirely destroyed there can be no doubt, and we are of the opinion that Paymaster Tolfree should be held free from blame for their loss, both as to their being at the hotel and as to his failure to save them from the flames.

The following is a list of the public property destroyed, so far as can be ascertained from Paymaster Tolfree:

One book containing fifty sets blank bills of exchange, with accompanying letters of advice, blanks, etc.

Pay officers' pay rolls, books, blanks, etc. Book containing complete set of Navy Department circulars, book of instructions, pay tables, naval registers, etc. Rough pay rolls, final returns, etc., appertaining to accounts of R. S. *Vermont*, and U. S. S. *Dispatch*.

Paymaster Tolfree was accompanied by his clerk, Mr. Charles Blake, who had also reported for duty on board the *Trenton*, and who had under his charge a few books and pamphlets belonging to the United States, which were destroyed. The entire outfits of Paymaster Tolfree and Pay Clerk Blake for three years were stored at the hotel and were destroyed.

Very respectfully,

ASA WALKER,
Lieutenant, U. S. N.
WM. T. SWINBURNE,
Lieutenant, U. S. N.
THEO. B. M. MASON,
Lieutenant, U. S. N.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

Approved.

JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

U. S. FLAGSHIP TRENTON (2d rate).
Yokohama, Japan, March 3, 1886.

SIR: I have the honor to inform you that after having, in obedience to orders from the Navy Department, reported to you for duty on the arrival of the *Trenton* from Nagasaki, Sunday afternoon, February 7, 1886, I returned for the night to the Windsor House, where my luggage was stored, there being no quarters for me on board until Paymaster Lyon could transfer accounts.

That night, a few minutes after 4 o'clock, the hotel was found to be on fire. The wind was blowing in such a way at the time as to cause the flames to speedily envelop the building, leaving the occupants only opportunity to escape, and giving them little chance to save property.

The hotel building was completely obliterated, and, in addition to losing my entire outfit provided for a three years' cruise, I had the misfortune to lose a quantity of Government books and blanks, including one book containing fifty sets blank bills of exchange intended for use on this station, besides the pay rolls, final returns, etc., appertaining to my last quarterly accounts of the U. S. R. S. *Vermont*.

The above-mentioned books, blanks, returns, etc., were packed together in one large chest, which I endeavored to drag out of the burning building, but from its weight, was unable to do so.

Accompanying me in the hotel was Charles Blake, pay clerk, U. S. Navy, who had reported with me for duty the day before, and who also lost his entire outfit, saving only the one suit in which he escaped from the building.

In view of these facts I deem it my duty to ask that proper steps may be taken to relieve me from the responsibility for these serious losses, and also to account for my being out of the ship after having reported for duty under your command.

I am, sir, respectfully, your obedient servant,

JAMES E. TOLFREE,
Paymaster, U. S. Navy.

Rear-Admiral JOHN LEE DAVIS, U. S. N.
Commanding U. S. Naval Force on Asiatic Station.

CHARLES BLAKE.

DECEMBER 18, 1897.—Ordered to be printed.

Mr. HALE, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 1213.]

The Committee on Naval Affairs, to whom was referred the bill (S. 1213) for the relief of Pay Clerk Charles Blake, United States Navy, having had the same under consideration, recommend its passage, adopting as their report that previously submitted on a similar bill and herewith appended.

[Senate Report No. 403, Fifty-first Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2776) for the relief of Pay Clerk Charles Blake, U. S. Navy, having had the same under consideration, beg leave to submit the following report:

A bill of this same character and identical in its provisions was considered by this committee during the first session of the Fiftieth Congress, and favorably reported to the Senate and there passed. The committee is still of the same opinion and report the bill without amendment, with the recommendation that it do pass, and append hereto and make part of this report the former report, which comes down from the Forty-ninth Congress.

[Senate Report No. 1420, Forty-ninth Congress, first session.]

The Committee on Naval Affairs present the following letters as their report on Senate bill No. 2400.

U. S. FLAGSHIP TRENTON (2d rate),
Yokohama, Japan, March 3, 1886.

SIR: I have the honor to inform you that after having, in obedience to orders from the Navy Department, reported to you for duty on the arrival of the *Trenton* from Nagasaki Sunday afternoon, February 7, 1886, I returned for the night to the Windsor House, where my luggage was stored, there being no quarters for me on board until Paymaster Lyon could transfer accounts.

That night, a few minutes after 4 o'clock, the hotel was found to be on fire. The wind was blowing in such a way at the time as to cause the flames to speedily envelop the building, leaving the occupants only opportunity to escape and giving them little chance to save property.

The hotel building was completely obliterated, and in addition to losing my entire outfit provided for a three years' cruise, I had the misfortune to lose a quantity of Government books and blanks, including one book containing fifty sets blank bills

of exchange intended for use on this station, besides the pay rolls, final returns, etc., appertaining to my last quarterly accounts of the U. S. R. S. *Vermont*.

The above-mentioned books, blanks, returns, etc., were packed together in one large chest, which I endeavored to drag out of the burning building, but, from its weight, was unable to do so.

Accompanying me in the hotel was Charles Blake, pay clerk, U. S. N., who had reported with me for duty the day before, and who also lost his entire outfit, saving only the one suit in which he escaped from the building.

In view of these facts I deem it my duty to ask that proper steps may be taken to relieve me from responsibility for these serious losses, and also to account for my being out of the ship, after having reported for duty under your command.

I am, sir, respectfully, your obedient servant,

JAMES E. TOLFREE,
Paymaster, U. S. N.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

U. S. FLAGSHIP TRENTON,
Yokohama, Japan, March 8, 1886.

SIR: In obedience to your order of the 5th instant we have the honor to report as follows: Paymaster James E. Tolfree, having been ordered to join the *Trenton* at this place, and arriving several days before the *Trenton*, had taken up his quarters at the Windsor. Upon the arrival of the *Trenton* on the afternoon of the 7th ultimo, Paymaster Tolfree reported for duty on board, but being unable to occupy his quarters, Paymaster Lyon not having been detached, he returned to the Windsor House. At a little past four on the morning of the 8th ultimo the Windsor House was discovered to be on fire. Paymaster Tolfree, upon awakening, found his room full of smoke, and lighted by flames from the fire, which was in an adjoining room. Hastily throwing on a few clothes he rushed into the hotel corridor to arouse the inmates of the other rooms.

In ignorance of the extent of the fire, stopping to take nothing but two small hand bags from his room, he tried to render what assistance he could to clear the hotel of guests, who were dazed by the smoke. After going downstairs he went to the trunk room, where most of his luggage was stored, and endeavored to drag therefrom a box containing books and blanks, the property of the United States, as well as the pay rolls, final returns, and other papers appertaining to his last quarterly accounts as paymaster of the U. S. R. S. *Vermont*. This box was too heavy for him to handle alone; he could obtain no assistance, and was finally driven by the flames to relinquish his attempt to save the property.

The flames were so rapid in their advance that there appears to have been little time to look to the saving of anything but human life. We learn that several of the inmates of the house barely escaped with their lives. That the contents of the box above mentioned were entirely destroyed there can be no doubt, and we are of the opinion that Paymaster Tolfree should be held free from blame for their loss, both as to their being at the hotel and as to his failure to save them from the flames.

The following is a list of the public property destroyed, so far as can be ascertained from Paymaster Tolfree:

One book containing fifty sets blank bills of exchange, with accompanying letters of advice, blanks, etc. Pay officers' pay rolls, books, blanks, etc. Book containing complete set of Navy Department circulars, book of instructions, pay tables, naval registers, etc. Rough pay rolls, final returns, etc., appertaining to accounts of receiving-ship *Vermont* and U. S. S. *Dispatch*.

Paymaster Tolfree was accompanied by his clerk, Mr. Charles Blake, who had also reported for duty on board the *Trenton*, and who had under his charge a few books and pamphlets belonging to the United States, which were destroyed. The entire outfits of Paymaster Tolfree and Pay Clerk Blake, for three years, were stored at the hotel and were destroyed

ASA WALKER,
Lieutenant, U. S. N.
WM. T. SWINBURNE,
Lieutenant, U. S. N.
THEO. B. M. MASON,
Lieutenant, U. S. N.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

Approved,

JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

NAVY DEPARTMENT,
Washington, June 4, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of the 2d instant, referring to bills which have been introduced in the Senate providing compensation to Paymaster James E. Tolfree and Pay Clerk Charles Blake, U. S. Navy, for the loss of their private property, and for relieving them of responsibility for the loss of Government property in their care, by the burning of the Windsor Hotel, at Yokohama, Japan, on the 8th of February last, and requesting to be informed if schedules of the property so lost have been received at this Department, and whether or not the officers mentioned will be held accountable for the Government property destroyed at that time.

In reply I have to state that the only information the Department has received as to the public or private property lost at the time referred to is contained in a letter from Paymaster Tolfree to Rear-Admiral J. L. Davis, commanding the Asiatic Station, reporting the destruction of the hotel above mentioned, and in the report of the board of officers ordered by Rear-Admiral Davis to investigate and report the facts in the case. Copies of the letter and report referred to, herewith transmitted, will afford the committee information as to the quantity and description of Government property lost by the burning of the hotel, and as to the fact that Paymaster Tolfree and Pay Clerk Blake sustained a loss of their entire outfit for a three-years' cruise. No schedules of the private property of these officers have been filed in the Department, and no estimate of its value can therefore be made.

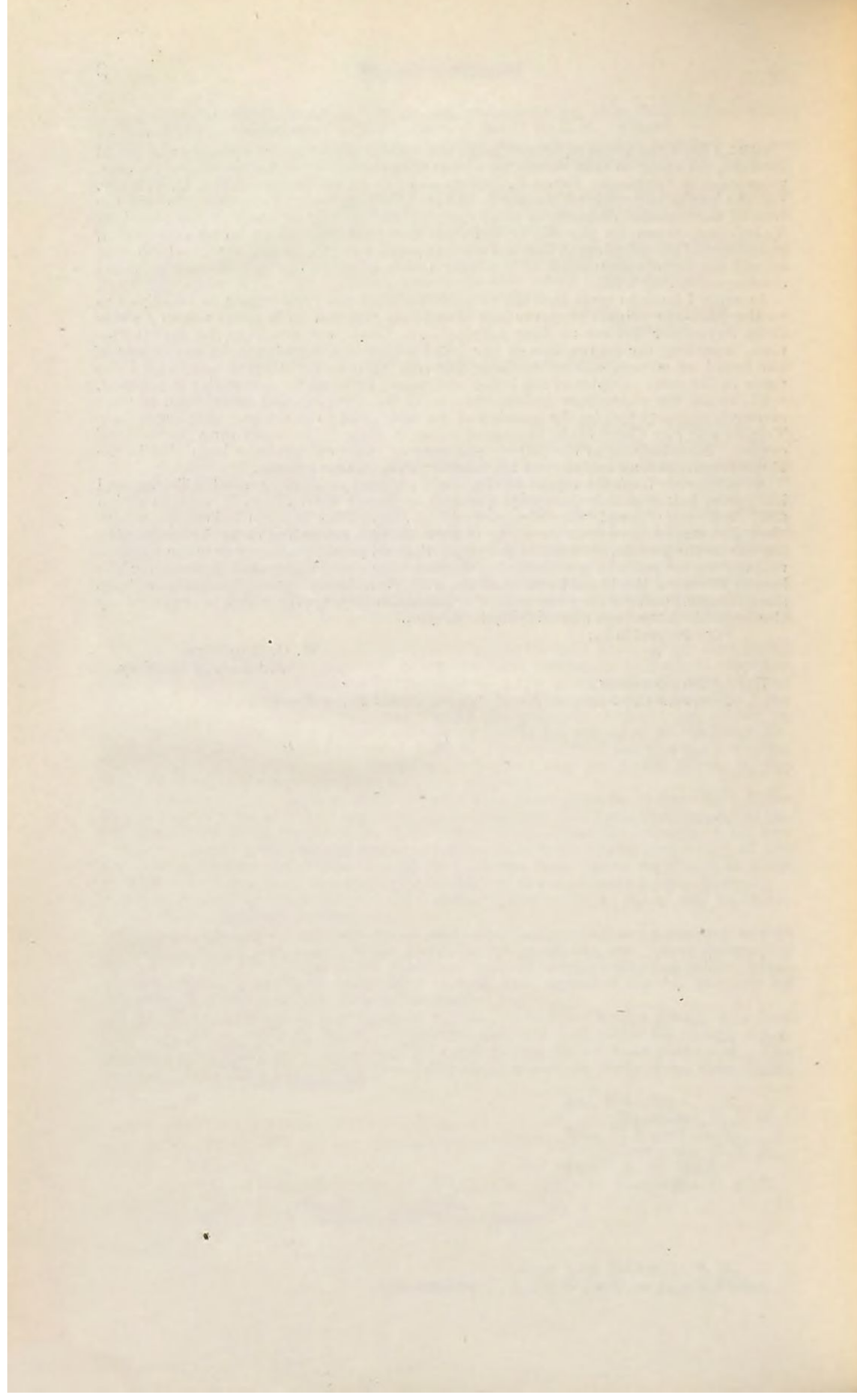
As it appears from the report of the board referred to that Paymaster Tolfree and his clerk, being unable to obtain quarters on board the U. S. S. *Trenton*, to which they had been ordered, were stopping temporarily at the hotel in Yokohama, where they had stored the public property in their charge, consisting of books and blanks for use in the pay department of the ship; that all possible effort was made by them to save the property in question, and that no blame was attributed to them for the loss of the same, the Department will not, under the circumstances, hold these officers accountable for the money value of the Government property which is reported by the board to have been unavoidably destroyed.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. J. D. CAMERON,
Chairman Committee on Naval Affairs, United States Senate.

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NAVAL BATTALION IN THE DISTRICT OF COLUMBIA.

DECEMBER 18, 1897.—Ordered to be printed.

Mr. HALE, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 1316.]

The Committee on Naval Affairs, to whom was referred the bill (S. 1316) to provide for organizing a naval battalion in the District of Columbia, having examined the same, make the following report:

A bill of the same character, and in the same language, was introduced in the Senate in the Fifty-fourth Congress, and was referred to this committee. The proposed measure met with the approval of the Navy Department in the following:

NAVY DEPARTMENT,
Washington, D. C., January 2, 1897.

SIR: Referring to the bill (H. R. 9567) providing for the formation of a naval reserve battalion in the District of Columbia, returned to the Department requesting it to suggest such amendments as in its opinion would be appropriate, the Department recommends as follows:

In the title, strike out the word "reserve."

Section 1, line 6, strike out the word "reserve."

A naval militia and a naval reserve are very different organizations, and the proposed functions of this battalion belong entirely to the militia, not to the reserve.

Sections 4, 5, and 6, strike out entirely.

This organization would then, as far as the Navy Department is concerned, have the same status as other existing similar bodies. The reasons for this were fully given in the Department's last letter on this subject.

Section 7, line 4, strike out the word "reserve," for reasons above given.

Should these amendments be adopted, the Navy Department recommends that the bill be favorably reported.

Very respectfully,

W. MCADOO,
Assistant Secretary.

Hon. JOHN B. ROBINSON,
House of Representatives, Washington, D. C.

The bill was passed with amendments suggested by the Department.

The following amendments have also been suggested by the Secretary of the Navy:

1. Section 2 should read as follows:

"That the officers of the naval battalion shall consist of one commander and a staff, to consist of one executive officer with the rank of lieutenant commander; one navigating officer with the rank of lieutenant; one signal, ordnance, and equipment officer with the rank of lieutenant; one chief engineer, one paymaster, and one surgeon, each with the relative rank of lieutenant."

2. Section 3 should read:

"That each company shall consist of one lieutenant, one lieutenant, junior grade, two ensigns, and not less than sixty nor more than one hundred petty officers and enlisted men."

The committee therefore adopt the suggestions of the Secretary of the Navy, and recommend the passage of the accompanying bill as a substitute for S. 1316.

AMENDMENT TO SECTION 2234, REVISED STATUTES.

JANUARY 7, 1898.—Ordered to be printed.

Mr. HANSBROUGH, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 2934.]

The Committee on Public Lands having had under consideration Senate bill 2934, and having duly examined the same, report and recommend the passage of the bill.

The following letter has been received by the committee from the Secretary of the Interior on this subject:

DEPARTMENT OF THE INTERIOR,
Washington, December 22, 1897.

SIR: In my annual report for the fiscal year ending June 30, 1897, at pages 19 and 20 of said report attention is called to the decision rendered September 22, 1896, by the United States district court for Idaho, in the case of the United States *v.* George B. Rogers and Charles W. Berryman, sureties on the bond of Charles W. Danielson, receiver of public moneys at Blackfoot, Idaho, which decision was affirmed by the circuit court of appeals for the ninth circuit July 1, 1897, holding "that it is not a part of the duties of registers and receivers to sell Indian lands and that the proceeds of sales of such lands are not public moneys of the United States, but are trust funds for which the sureties on receivers' bonds are not liable or responsible to the United States if their principals fail to pay over and account for the same." That under said decision it is possible for registers and receivers of local land offices, if the receipts from the sale of Indian lands are sufficient, to become entitled to the maximum compensation of \$3,000 in addition to the compensation allowed them by law for the sale of public lands, so that their compensation for both classes of lands may reach \$6,000.

The statement is also made that Indian lands are being disposed of at the present time at ten or more land offices, the proceeds of which amount to hundreds of thousands of dollars yearly, for which the sureties on the bonds of receivers are not liable, and in order to secure and protect the interests of the United States it is recommended that section 2234 of the Revised Statutes be amended by adding to it, as it now stands, the following:

"Who shall have charge of and attend to the sale of the public and Indian lands within their respective districts, as provided for by law and official regulations; and receivers shall be accountable under their official bonds for the proceeds of such sales and for all fees, commissions, or other moneys received by them under any provision of law or official regulation."

The attention of your committee is called to this recommendation at this time with the request that it take such action in the premises as may result in the speedy enactment of the legislation recommended. I desire to say in this connection that the attention of the Committee on Indian Affairs has also been called to this matter and a similar recommendation and request made, and I have also addressed a similar communication to the chairman of the House Committee on the Public Lands.

Very respectfully,

C. N. BLISS, *Secretary.*

Hon. H. C. HANSBROUGH,
Chairman Committee on Public Lands, United States Senate.

STATUE OF PRESIDENT ABRAHAM LINCOLN AT
GETTYSBURG, PA.

JANUARY 7, 1898.—Ordered to be printed.

Mr. HANSBROUGH, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 1160.]

The Committee on the Library, to whom was referred the bill (S. 1160) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa., respectfully submit the following report:

It is the unanimous sentiment of the committee that Gettysburg is one of the most appropriate of all places for a statue of Abraham Lincoln. The name of the great President must ever be associated with that battlefield. Like the wonderful achievements of the Union Army, his eloquent address at the dedication of the soldiers' monument there will live in history as long as the battle is remembered or the Republic lasts.

In that peerless address, on that hallowed ground, he exhibited to the world the depth of his "increased devotion to the cause," and showed how unreservedly he was personally "dedicated to the unfinished work," which was destined not to be finished until his own life's blood was poured out upon the altar of his country. His burning, patriotic words thrilled the whole country, and aroused and cheered by his example, the people took on new courage and "highly resolved (with him) that these dead shall not have died in vain; that this nation under God shall have a new birth of freedom, and that the Government of the people, by the people, and for the people shall not perish from the earth."

What could be more appropriate than the proposed statue of the man who gave utterance to these noble sentiments and bravely led the way, bearing the heat and burden of the day, and dying at last like the common soldier to make this Union perpetual? The heroes buried on that famous field will be honored anew by the presence of this statue of their commander in chief, the man whom they loved and honored, and whose name is still fondly cherished and venerated by their children. A statue of Abraham Lincoln erected on that field will also serve as a new

“marker” for liberty—“In giving freedom to the slave we assure freedom to the free.” It will announce to all future generations that it was there, on the field of Gettysburg, that the thunders of war and the eloquence of patriotism brought forth on this continent a new nation and a new birth of freedom, which, under the blessings of God, shall last forever.

Your committee therefore most cordially unite in recommending the passage of this bill, because we consider that “it is altogether fitting and proper that we do this,” and we also feel assured that the whole country will sanction it.

C

RESTORING CERTAIN LANDS TO THE PUBLIC DOMAIN.

JANUARY 10, 1898.—Ordered to be printed.

Mr. NELSON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 2755.]

The Committee on Public Lands, to whom was referred the bill (S. 2755) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law with certain restrictions, beg leave to report as follows:

By Executive order No. 872, of November 28, 1881, certain lands in northern Minnesota, around the head waters of the Mississippi River, were withdrawn from sale and entry by reason of the fact that they would be needed for reservoir purposes, and were likely to be overflowed in consequence of the construction of such reservoirs. A copy of said order is hereto attached and made a part of this report.

The reservoirs in contemplation of construction at the time said order was issued have long since been completed, and it is now found that, with the exception of two tracts of land, none of the rest have been used or will be needed for the reservoirs, or are likely to be overflowed by the reservoirs. There is, therefore, no good ground for further withholding these lands from sale and entry under our public land laws.

The object of the bill under consideration is to restore these lands to the public domain for sale and entry under the homestead law.

The War Department, under whose jurisdiction these lands have remained since their withdrawal, has prepared and approved of the bill, as appears from the following indorsements by the Chief of Engineers and the Secretary of War upon a letter in respect to this matter to the Secretary of War from Senator Nelson:

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
February 23, 1897.

Respectfully returned to the Secretary of War.

Hon. Knute Nelson, United States Senate, desires to know if there is any objection to the restoration to the public domain of certain land reserved by the Government for use in connection with the construction of a reservoir and dam on Leech Lake, head waters of the Mississippi River; also, in what way said land can be restored. The land in question was withdrawn from sale or disposal by Executive proclama-

tion, No. 872, dated November 28, 1881 (copy herewith), for the work above mentioned, and there appears to be no objection to the restoration of the land to the public domain, with the exception of lot 7 of section 33, and lot 5 of section 34, township 144, range 28, upon which the south end of the Leech Lake reservoir dam rests, provided such restrictions are imposed as will reserve to the Government the right to overflow the land and protect it from any claims to compensation for such overflowing. An act of Congress, approved June 20, 1890, authorized the restoration of certain other reservoir lands in this locality, and contains the provisions and restrictions deemed essential in this case. A draft of a bill, drawn on the lines of this act, is submitted herewith, and it is believed that it will accomplish the purpose desired by Senator Nelson, and protect the Government's interest in the reservoir and dam.

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, United States Army.

WAR DEPARTMENT, *February 24, 1897.*

Respectfully returned to the Hon. Knute Nelson, United States Senate, inviting attention to the preceding indorsements hereon and to the inclosed papers therein referred to.

DANIEL S. LAMONT, *Secretary of War.*

Your committee accordingly recommend the passage of the bill, with the following amendments:

(1) Strike out all of section 2 after the word "it," line 8, and insert the following in the place thereof: "And in all cases where first or preliminary homestead entries have been made of the lands hereby restored, and the entrymen have attempted to make final proof and final entry, such entrymen shall have a preferred and prior right to enter such lands under the homestead law on showing a compliance with the requirements of said law as to settlement, cultivation, proof, and payment."

(2) After the word "kind," in line 1 of section 3, insert the following: "Except as specified in the foregoing section."

The object of these amendments is to protect the rights of inchoate homestead settlers who have been permitted to make preliminary entries, but have not been allowed to perfect the same.

(No. 872.)

PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES WITHDRAWING FROM SALE OR DISPOSAL CERTAIN LANDS IN THE STATE OF MINNESOTA.

Whereas, by the provisions of the second section of an act of Congress entitled "An act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," approved June 18, 1878, the Secretary of War was directed to cause "an examination" to be made "of the sources of the Mississippi River and of the Saint Croix River in Wisconsin and Minnesota, and of the Chippewa and Wisconsin rivers in the State of Wisconsin, to determine the practicability and cost of creating and maintaining reservoirs upon the headwaters of said rivers and their tributaries for the purpose of regulating the volume of water and improving the navigation of said rivers and that of the Mississippi River, and an estimate of the damage to result therefrom to property of any kind," and by the provisions of the acts of March 3, 1879, June 14, 1880, and March 3, 1881, appropriation was made for the completion of the survey above referred to and the construction of said reservoirs; and

Whereas it appears by the report of the United States engineer having in charge the survey provided for by said act, which report was made to the Secretary of War, and dated Saint Paul, Minnesota, November 4, 1881, that certain vacant public lands of the United States in the State of Minnesota will be affected in the event of affirmative Congressional action upon said matter, and which action by the appropriations aforesaid has now been taken: Therefore,

I, Chester A. Arthur, President of the United States, do hereby direct that the following-described public lands in the State of Minnesota, being lands referred to in said report, be withheld from sale or disposal under the various acts for the sale and disposal of the public lands:

Saint Cloud, Minnesota, land district.

Parts of section.	S.	T.	R.	Remarks.
SE. $\frac{1}{4}$ NW. $\frac{1}{4}$	11	144	32	West of 5th P. M.
W. $\frac{1}{2}$ NE. $\frac{1}{4}$	11	144	32	
W. $\frac{1}{2}$ SE. $\frac{1}{4}$	11	144	32	
Lots 3 and 4.....	11	144	32	
NE. $\frac{1}{4}$ SW. $\frac{1}{4}$	11	144	32	
Lots 2, 3, and 4.....	14	144	32	
W. $\frac{1}{2}$ NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ SE. $\frac{1}{4}$	14	144	32	
SW. $\frac{1}{4}$ NW. $\frac{1}{4}$	21	144	32	
Lot 3.....	25	144	32	
Lot 11 and NW. $\frac{1}{4}$ SW. $\frac{1}{4}$	26	144	32	
W. $\frac{1}{2}$ SW. $\frac{1}{4}$ and SE. $\frac{1}{4}$ SE. $\frac{1}{4}$	27	144	32	
Lots 3, 8, and 9, and NW. $\frac{1}{4}$ NE. $\frac{1}{4}$, and SE. $\frac{1}{4}$ SE. $\frac{1}{4}$	28	144	32	
Lot 2, NE. $\frac{1}{4}$ NW. $\frac{1}{4}$, S. $\frac{1}{2}$ NE. $\frac{1}{4}$, and W. $\frac{1}{2}$ SE. $\frac{1}{4}$	29	144	32	
Lots 2, 3, 4, 8, and N. $\frac{1}{2}$ SE. $\frac{1}{4}$	33	144	32	
Lots 5, 8, N. $\frac{1}{2}$ SE. $\frac{1}{4}$, and N. $\frac{1}{2}$ SW. $\frac{1}{4}$	34	144	32	
S. $\frac{1}{2}$ NW. $\frac{1}{4}$ and N. $\frac{1}{2}$ NE. $\frac{1}{4}$	35	144	32	
Lot 9.....	1	143	32	
Lot 2.....	12	143	32	
SE. $\frac{1}{4}$ NE. $\frac{1}{4}$, NW. $\frac{1}{4}$ SE. $\frac{1}{4}$, and SE. $\frac{1}{4}$ SW. $\frac{1}{4}$	34	143	32	
E. $\frac{1}{2}$ NW. $\frac{1}{4}$, NE. $\frac{1}{4}$ SW. $\frac{1}{4}$, SW. $\frac{1}{4}$ SW. $\frac{1}{4}$, SW. $\frac{1}{4}$ NW. $\frac{1}{4}$, and NW. $\frac{1}{4}$ SE. $\frac{1}{4}$	35	143	32	
Lots 5, 6, 7, 8, 9, and SE. $\frac{1}{4}$ NW. $\frac{1}{4}$	1	142	32	
Lots 1, 2, 3, 4, 6, 7, 8, and 9.....	2	142	32	
Lots 2, 3, SW. $\frac{1}{4}$ NE. $\frac{1}{4}$, and SE. $\frac{1}{4}$ NW. $\frac{1}{4}$	3	142	32	
NE. $\frac{1}{4}$ SE. $\frac{1}{4}$ and lots 1, 2, and 3.....	11	142	32	
Lots 1, 2, and SE. $\frac{1}{4}$ NW. $\frac{1}{4}$	12	142	32	
Lots 1, 2, and 3.....	7	142	31	
Lots 2, 3, 4, and 5.....	8	142	31	
Lots 2, 3, and 4.....	9	142	31	
All of.....	15	142	31	
Lot 6.....	2	141	31	
Lot 11.....	11	141	31	
Lot 8.....	13	141	31	
Lot 2.....	14	141	31	
Lots 4, 5, 6, and 7.....	29	144	28	
All of.....	31	144	28	
All of.....	32	144	28	
Lot 7.....	33	144	28	
Lots 4, 5, 6, 8, S. $\frac{1}{2}$ SE. $\frac{1}{4}$, and SW. $\frac{1}{4}$	33	144	28	
Lot 5.....	34	144	28	
Lot 5.....	39	144	28	
W. $\frac{1}{2}$ NE. $\frac{1}{4}$, W. $\frac{1}{2}$ SE. $\frac{1}{4}$, and W. $\frac{1}{2}$	4	143	28	
All of.....	5	143	28	
All of.....	6	143	28	
All of.....	7	143	28	
All of.....	8	143	28	
W. $\frac{1}{2}$ SE. $\frac{1}{4}$ and E. $\frac{1}{2}$ NE. $\frac{1}{4}$	9	143	28	West of 5th P. M.
SW. $\frac{1}{4}$ SW. $\frac{1}{4}$	10	143	28	
W. $\frac{1}{2}$ SW. $\frac{1}{4}$ and SE. $\frac{1}{4}$ SW. $\frac{1}{4}$	13	143	28	
S. $\frac{1}{2}$ SE. $\frac{1}{4}$ and S. $\frac{1}{2}$ SW. $\frac{1}{4}$	14	143	28	
W. $\frac{1}{2}$ SE. $\frac{1}{4}$	15	143	28	
N. $\frac{1}{2}$ NW. $\frac{1}{4}$, SW. $\frac{1}{4}$, and E. $\frac{1}{2}$	17	143	28	
NE. $\frac{1}{4}$ NE. $\frac{1}{4}$, E. $\frac{1}{2}$ SE. $\frac{1}{4}$, and SW. $\frac{1}{4}$ SE. $\frac{1}{4}$	18	143	28	
Lots 3, 4, 5, 6, 7, NW. $\frac{1}{4}$ SE. $\frac{1}{4}$, NE. $\frac{1}{4}$ SW. $\frac{1}{4}$, and NE. $\frac{1}{4}$	19	143	28	
All of.....	20	143	28	
All of.....	21	143	28	
All of.....	22	143	28	
W. $\frac{1}{2}$ NE. $\frac{1}{4}$, W. $\frac{1}{2}$ SE. $\frac{1}{4}$, and W. $\frac{1}{2}$	23	143	28	
NW. $\frac{1}{4}$ NW. $\frac{1}{4}$	24	143	28	
NE. $\frac{1}{4}$ NE. $\frac{1}{4}$, S. $\frac{1}{2}$ SE. $\frac{1}{4}$, and S. $\frac{1}{2}$ SW. $\frac{1}{4}$	25	143	28	
Lots 1, 2, 3, 4, W. $\frac{1}{2}$ NE. $\frac{1}{4}$, and NW. $\frac{1}{4}$	26	143	28	
Lots 1, 2, 3, and N. $\frac{1}{2}$ NE. $\frac{1}{4}$	27	143	28	
All of.....	30	143	28	
Lot 1.....	35	143	28	
SE. $\frac{1}{4}$ SW. $\frac{1}{4}$	19	143	27	
NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ and SE. $\frac{1}{4}$ SE. $\frac{1}{4}$	29	143	27	
SW. $\frac{1}{4}$ NW. $\frac{1}{4}$, NE. $\frac{1}{4}$ NW. $\frac{1}{4}$, and NW. $\frac{1}{4}$ NE. $\frac{1}{4}$	30	143	27	
SE. $\frac{1}{4}$ NW. $\frac{1}{4}$, SW. $\frac{1}{4}$ SW. $\frac{1}{4}$, and NW. $\frac{1}{4}$ NE. $\frac{1}{4}$	33	143	27	
Lots 6 and 9.....	5	142	27	
NE. $\frac{1}{4}$ SE. $\frac{1}{4}$, SW. $\frac{1}{4}$ NE. $\frac{1}{4}$, and E. $\frac{1}{2}$ NE. $\frac{1}{4}$	9	142	27	
SW. $\frac{1}{4}$ NE. $\frac{1}{4}$, NW. $\frac{1}{4}$ SE. $\frac{1}{4}$, N. $\frac{1}{2}$ SW. $\frac{1}{4}$, and S. $\frac{1}{2}$ NW. $\frac{1}{4}$	10	142	27	
SW. $\frac{1}{4}$ NW. $\frac{1}{4}$, W. $\frac{1}{2}$ SE. $\frac{1}{4}$, and SW. $\frac{1}{4}$	14	142	27	
S. $\frac{1}{2}$ NE. $\frac{1}{4}$, SE. $\frac{1}{4}$ NW. $\frac{1}{4}$, lot 1, and N. $\frac{1}{2}$ SE. $\frac{1}{4}$	15	142	27	
Lots 3, 4, 7, SE. $\frac{1}{4}$ NE. $\frac{1}{4}$, and N. $\frac{1}{2}$ SE. $\frac{1}{4}$	21	142	27	

4 RESTORING CERTAIN LANDS TO THE PUBLIC DOMAIN.

Saint Cloud, Minnesota, land district—Continued.

Parts of section.	S.	T.	R.	Remarks.
Lots 1, 2, 5, 6, and SW. $\frac{1}{4}$ SW. $\frac{1}{4}$	22	142	27	
NW. $\frac{1}{4}$ NE. $\frac{1}{4}$	23	142	27	
Lots 1, 4, and 6.	27	142	27	
Lot 2	28	142	27	
NW. $\frac{1}{4}$ NE. $\frac{1}{4}$	35	142	27	

Given under my hand, at the city of Washington, this 28th day of November
A. D. 1881.

CHESTER A. ARTHUR.

By the President:

N. C. MCFARLAND,
Commissioner General Land Office.

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RAILROAD PASSENGER RATES THROUGH INDIAN TERRITORY.

JANUARY 10, 1898.—Ordered to be printed.

Mr. ALLEN, from the Committee on Indian Affairs, submitted the
following

REPORT.

[To accompany S. 1247.]

The Committee on Indian Affairs, to whom was referred the bill (S. 1247) to prevent railroad companies from charging more than 3 cents per mile for carrying passengers through Indian Territory, report the same back, and recommend the passage of the bill.

All railroads except two running through the territory of the Five Civilized Tribes of Indians are prohibited by the laws granting right of way from charging more than 3 cents per mile for carrying passengers through said territory. These two roads charge 3 cents per mile in the States of Missouri and Texas and charge 5 cents per mile in the Indian Territory.

Your committee are therefore of the opinion that these charges should be uniform by all the railroads in the Territory, and that 3 cents per mile is a sufficient compensation, and that the citizens of the Indian Territory should not be compelled to pay a greater rate than that charged in the surrounding States.

CONFIRMING CERTAIN CASH ENTRIES OF PUBLIC LANDS.

JANUARY 10, 1898.—Ordered to be printed.

Mr. BERRY, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 4221.]

The Committee on Public Lands, to whom was referred the bill (H. R. 4221) "An act to confirm certain cash entries of public lands," have had the same under consideration, and respectfully recommend that the bill do pass.

The following report made on this bill by the House Committee on the Public Lands is adopted as the report of the committee:

[House Report No. 67, Fifty-fifth Congress, second session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 4221) to confirm certain cash entries of public lands, report the same back with the recommendation that it pass.

The act of August 4, 1854, under which the cash entries sought to be confirmed were made, is as follows:

AN ACT to graduate and reduce the price of the public lands to actual settlers and cultivators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the public lands of the United States which shall have been in market for ten years or upwards prior to the time of application to enter the same under the provisions of this act, and still remaining unsold, shall be subject to sale at the price of one dollar per acre; and all of the land of the United States that shall have been in market for fifteen years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at seventy-five cents per acre; and all of the lands of the United States that shall have been in market for twenty years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at fifty cents per acre; and all of the lands of the United States that shall have been in market for twenty-five years and upwards, as aforesaid, and still remaining unsold, shall be subject to sale at twenty-five cents per acre; and all lands of the United States that shall have been in market for thirty years or more, shall be subject to sale at twelve and a half cents per acre: *Provided*, This section shall not be so construed as to extend to lands reserved to the United States in acts granting lands to States for railroad or other internal improvements, or to mineral lands held at over one dollar and twenty-five cents per acre,

SEC. 2. *And be it further enacted*, That upon every reduction in price under the provisions of this act the occupant and settler upon the lands shall have the right of preemption at such graduated price, upon the same terms, conditions, restrictions, and limitations upon which the public lands of the United States are now subject to the right of preemption until within thirty days preceding the next graduation or reduction that shall take place; and if not so purchased shall again be subject to the right of preemption for eleven months, as before, and so on, from time to time, as reductions take place: *Provided*, That nothing in this act shall be so construed as to interfere with any right which has or may accrue by virtue of any act granting preemption to actual settlers upon public lands.

SEC. 3. *And be it further enacted*, That any person applying to enter any of the aforesaid lands shall be required to make affidavit, before the register or receiver of the proper land office, that he or she enters the same for his or her own use, and for the purpose of actual settlement and cultivation, or for the use of an adjoining farm or plantation owned or occupied by him or herself, and, together with said entry, he or she has not acquired from the United States, under the provisions of this act, more than three hundred and twenty acres, according to the established surveys; and if any person or persons taking such oath or affidavit shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury.

Approved August 4, 1854.

Under this law regulations were issued and directions given for computing the period for which the land in each case had been subject to private entry. In many cases the local officers failed to correctly compute the period, and sold the land at a price less than the price to which the land had been reduced under the provisions of the law, and issued the usual receiver's duplicate receipt showing full payment. Those who made the entries have in most cases disposed of the land to innocent purchasers, who must now pay a sum which, when taken with the amount already paid, would make the legal price of the land, or lose it.

The committee do not think this would be just, and believe that all such entries as stand suspended because of the failure of the registers and receivers to previously collect from the settlers the full price of the land should be confirmed and passed to patent. The committee refer to, and make a part of this report, the report of the Secretary of the Interior and the Commissioner of the General Land Office.

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, inclosing a copy of H. R. 4221, entitled "A bill to confirm certain cash entries of public lands," and indicating a desire for such comments or information with reference thereto as I may deem proper to submit.

In answer, I inclose herewith, for your information, a copy of the report on the bill by the Commissioner of the General Land Office, under date of the 13th instant.

In view of the facts set forth by him, the Commissioner expresses the opinion that the provisions of the bill are just, and states that it meets with his approval.

I concur in the report.

Very respectfully,

C. N. BLISS, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
General Land Office, December 13, 1897.

SIR: I have the honor to acknowledge the receipt, by reference from you, for report in duplicate and return of papers, of a letter from Hon. John F. Lacey, chairman of Committee on the Public Lands, House of Representatives, inclosing House bill No. 4221, entitled "A bill to confirm certain cash entries of public lands."

Upon examination I find that the bill referred to relates to certain entries made under the act entitled "An act to graduate and reduce the price of the public lands to actual settlers and cultivators," approved August 4, 1854 (10 Stat., 574), which entries are now suspended in this office for the reason that the full price of the land was not paid at the date of entry.

It appears from the records of this office that up to within a recent date there were about 6,000 entries in the suspended files of this office made under the graduation law above referred to, during the years immediately preceding the late war,

for lands located in Alabama, Arkansas, Louisiana, Florida, Mississippi, and Missouri, States where all business relating to the public lands was suspended during the war.

About three years since this office began a systematic examination of the suspended entries referred to, with the result that about 4,000 of said entries have been adjudicated, leaving about 2,000 entries still suspended.

A large percentage of the entries remaining are suspended for the reason that the proper price per acre was not paid for the land. In these cases the error was with the local officers, who failed to correctly compute the period for which the land in each case had been subject to private entry, and sold the land at a price less than the price to which the land had been reduced under the provisions of the law.

These entries have been of record for a period of about forty years. It is in most cases impossible to serve notice on the original claimants, and the names of the present owners are not known.

In view of the facts stated above, I am of the opinion that the provisions of the bill in question are just, and the bill meets with my approval.

Very respectfully,

BINGER HERMANN, *Commissioner.*

The SECRETARY OF THE INTERIOR.

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PAYMENT FOR LANDS TO INDIANS OF KLAMATH RESER-
VATION, OREG.

JANUARY 10, 1898.—Ordered to be printed.

Mr. PETTIGREW, from the Committee on Indian Affairs, submitted the
following

REPORT.

[To accompany S. 1996.]

The Committee on Indian Affairs, to whom was referred the bill (S. 1996) providing for the payment to the Indians of the Klamath Reservation, in Oregon, for lands excluded from the treaty reservation of said Indians by erroneous survey, having had the same under consideration, report thereon as follows:

By a treaty between the United States and the Klamath and Modoc tribes and the Yahooskin band of Snake Indians, negotiated in 1864, amended by the Senate, and finally proclaimed February 17, 1870, said Indians ceded their right, title, and interest in and to a large area of territory in the States of Oregon and California, estimated to embrace about 20,000,000 acres, for a money consideration of \$115,000 and certain educational and industrial benefits, stipulated to continue, some for fifteen years and others for thirty years, all of which have heretofore ceased.

A tract within the ceded territory, bounded by lines run or indicated according to physical features of the country, all specified and described in the first article of the treaty, was reserved for the future use and occupancy of said Indians, who agreed and bound themselves to move and settle upon the reservation immediately after the ratification of the treaty, with which obligation they fully and promptly complied.

In 1871 the Commissioner of the General Land Office, under direction of the Secretary of the Interior, ordered a survey to be made of the said treaty reservation. While this survey was in progress the Indians manifested dissatisfaction therewith and opposed it, claiming that it did not conform to their understanding of the treaty. When the survey was completed, and while settlers began crowding in upon lands claimed by the Indians as belonging to the reservation, but which were excluded therefrom by the survey, the Indians realized that a great wrong was being done them. They complained to their agent, who quieted their fears by telling them that "the white people were only stopping for

awhile and would soon go away." They renewed their complaints, which appear to have received no consideration until the appointment, in 1877, of J. R. Roork as their agent. He investigated and reported to the Indian Office that their complaints were just and that large areas of land had been erroneously excluded from the reservation. He continued to urge the matter upon the Indian Office for adjustment, and his efforts were seconded by the officers of the Army serving in that section of the country. The Indian Office suggested to the Secretary of the Interior the probability of difficulty unless the matter was satisfactorily adjusted. The Department called upon the General Land Office for a report, which was made April 8, 1878, wherein the facts as to the survey are set out and the following statements made:

From an examination of the field notes of the survey in connection with the limits described in the treaty, it appears that the treaty lines on the east and south and a portion of the west sides of the reservation described as mountains, or ridges of mountains, were not followed by the surveyor, who, in running said lines, followed certain lines of the public surveys. * * *

From the foregoing it appears that the lines surveyed are not strictly in accordance with the boundaries mentioned in the treaty, but this office has not sufficient data to enable it to show how much the survey varies from the boundaries.

A resurvey was urged by the Commissioner of Indian Affairs, but want of sufficient appropriation for the purpose was stated by the Secretary of the Interior as making it impossible at the time. The Indians were encouraged to depend upon the good faith of the Government for the correction of any errors in the survey, and the matter was further investigated, resulting in showing that the wrong done to the Indians was far greater than had theretofore been reported or believed. Settlers had occupied much of the land in dispute. A resurvey was again recommended by the Commissioner of Indian Affairs in 1886, concerning which he states in his annual report for 1887 that—

Subsequently, upon information from the General Land Office that the survey of the eastern boundary would not be satisfactory, either to the Indians or settlers, until its location had been agreed upon by a commission, I directed the agent in charge of the reservation to make a full investigation of the matter and to take the evidence of all available witnesses. Upon receipt of this report, in view of the vague and indefinite description of the boundaries given in the treaty, and the fact that settlement had been made on lands east of the reservation, it was determined to reestablish the eastern boundary in accordance with the survey made in 1871, although the claim of the Indians seemed to be well substantiated. When the line is re-marked the military will be requested to protect the reservation from the encroachments of cattlemen, concerning which the Indians may have many complaints.

It is also my intention to present the claim of the Indians to Congress for an appropriation to compensate them for the lands lost by the location of the boundary line, if upon further consideration they appear to be clearly entitled to the same. (See Annual Report of Commissioner of Indian Affairs for 1887, p. LXXVIII.)

There the matter was allowed to rest, receiving no further consideration until the Senate, by resolutions of March 31, 1894, and December 13, 1894, called upon the Secretary of the Interior to furnish the facts and papers on this subject, with "a careful estimate of the quantity of land lying between the boundaries of said reservation as surveyed under the direction of the Commissioner of the General Land Office and the treaty boundaries thereof as claimed by the tribes and marked upon the tracing or diagram furnished by the Commissioner of Indian Affairs and now on file in the General Land Office." The report of the Commissioner of the General Land Office gave the estimate of land as 909,990 acres; but if limited by a specified line on the north, the area was estimated to be 724,608 acres. The Commissioner of the General Land Office, after describing "The treaty boundary as understood by

the Indians and laid down on map No. 1," prepared by his office, stated that the area between the boundary thus defined and the surveyed boundary of the reservation was 682,240 acres. He also pointed out that the possible different location of certain physical features of the country might make the location of the treaty boundary lessen the excluded area of land to 159,520 acres.

The foregoing statements and facts will be found more fully set out in the reports and documents contained in the Senate Executive Documents Nos. 129, Fifty-third Congress, second session; 62, Fifty-third Congress, third session, and Senate Document No. 131, Fifty-fourth Congress, first session.

As the information thus presented was not such as to enable Congress to enact proper legislation for an adjustment of the matter, a clause was inserted in the Indian appropriation act approved June 10, 1896, providing for the appointment of a—

Commission to be composed of three persons, two of whom shall be practical surveyors, * * * to visit and thoroughly investigate and determine as to the correct location of the boundary lines of the Klamath Indian Reservation in the State of Oregon, the location of said boundary lines to be according to the terms of the treaties heretofore made with said Indians establishing said reservation; * * * ascertain and determine, as nearly as practicable, the number of acres, if any, of land, the character thereof, and also the value thereof, in a state of nature, that have been excluded from said reservation by the erroneous survey of its out-boundaries. * * *

The Commission appointed under this law has performed the duties required of it, and its findings have been submitted to the Congress by the Secretary of the Interior with his report of January 25, 1897, together with reports thereon by the Commissioner of the General Land Office and the Commissioner of Indian Affairs, which reports are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1897.

SIR: I have the honor to transmit herewith copy of a report dated December 18, 1896, of the Klamath Boundary Commission, appointed under a clause in the Indian appropriation act of June 10, 1896 (29 Stat. L., 321).

The Commissioners find the area of lands which have been excluded from the reservation by the erroneous surveys of its outboundaries to be 617,490 acres, and determine the value of these excluded lands to be \$533,270.

The report in question has been carefully examined by the Commissioner of Indian Affairs, as shown by the accompanying communication dated 25th instant, who states that in his opinion a portion of the funds due the Indians should be made available for irrigation purposes for the benefit of the Indian allottees and the schools, and he recommends that the sum of \$350,000 be placed in the Treasury of the United States to the credit of these Indians to draw interest at the rate of 5 per cent per annum, which interest shall be paid to them annually per capita, and the remainder of the sum recommended by the Commission to be paid, after the payment of the legal fees of attorneys, be expended under the direction of the Secretary of the Interior in the drainage and irrigation of lands, and in the purchase of cattle, wagons, mowing machines, and agricultural implements, the erection of houses, and for such other purposes as he may deem for the benefit of the Indians.

The Commissioner submits an item for insertion in the Indian appropriation bill now pending, prepared in accordance with the above recommendations, and I have the honor to recommend that the matter receive early and favorable consideration by the Congress.

I also transmit herewith copy of a communication of 12th instant, from the Commissioner of the General Land Office, to whom the matter was referred.

Very respectfully,

D. R. FRANCIS, *Secretary.*

The PRESIDENT OF THE SENATE.

4 PAYMENT FOR LANDS, KLAMATH RESERVATION, OREG.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 25, 1897.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of the report of the Klamath Boundary Commission (Messrs. W. P. Coleman, R. P. Hammond, and I. D. Applegate), dated December 18, 1896.

This Commission was appointed under the following clause in the Indian appropriation act of June 10, 1896 (29 Stat. L., 321):

"That the President of the United States is hereby authorized to appoint a commission, to be composed of three persons, two of whom shall be practical surveyors, not more than two of whom shall be of the same political party, and not more than one of whom shall be a resident of any one State, whose duty it shall be to visit and thoroughly investigate and determine as to the correct location of the boundary lines of the Klamath Indian Reservation, in the State of Oregon, the location of said boundary lines to be according to the terms of the treaties heretofore made with said Indians establishing said reservation; and when the correct location of said treaty boundaries of said reservation shall have been so ascertained and determined, said commission shall ascertain and determine, as nearly as practicable, the number of acres, if any, of the land, the character thereof, and also the value thereof in a state of nature, that have been excluded from said treaty reservation by the erroneous survey of its outboundaries, as now existing and as shown and reported to have been made in reports of the Commissioner of Indian Affairs and of the Commissioner of the General Land Office, submitted to the Senate by the Secretary of the Interior, and as set out in Senate Executive Documents Numbered One hundred and twenty-nine, Fifty-third Congress, second session, and Numbered Sixty-two, Fifty-third Congress, third session.

"And said commission shall make report of the facts ascertained and of their conclusions and recommendations upon the matters hereby committed to them to the Secretary of the Interior, who is hereby directed to report the facts found and reported by said commission and their conclusions and recommendations in the matter, together with his recommendations thereon, to the next regular Congress for its action."

The contention regarding the location of the boundary lines of the Klamath Reservation and the erroneous survey thereof is so fully set out in the executive documents referred to in the above legislation that it is deemed unnecessary to further refer to the same.

The Commissioners report that after a careful review of the treaty, the notes taken by each Commissioner, and the testimony obtained, they determined the correct location of the boundary line of the reservation in accordance with the terms of the treaties with the Indians to be as follows:

"Beginning upon the eastern shore of the middle Klamath Lake, at the Point of Rocks, about 12 miles below the mouth of Williamsons River; thence following up said easterly shore to the mouth of Wood River; thence up Wood River to a point 1 mile north of the bridge at Fort Klamath; thence due east to the summit of the ridge which divides the upper and middle Klamath lakes; thence along said ridge northwesterly to Mount Scott (Tum sum ne); thence continuing on the same ridge to Cowhorn Mountain or Mount Theilson (His chok wal as); thence due east, passing north of the upper lake to Mount Francis (Chok chok lisk se), to the summit of the mountains on the east side of the lake; thence following said mountain southeast to its junction with Winter Ridge; thence south along said ridge to Gerhart Mount (Wal lok sik klas); thence southwest along a spur of Winter Ridge to the point where Sprague River is intersected by the Ish tish e wax Creek; thence in a southwesterly direction to We leej; thence northwest to the 118-mile post of the present boundary line and along the summit of the mountains, the extremity of which forms the Point of Rocks, the place of beginning."

They find the area of the lands which have been excluded from the reservation by the erroneous surveys of its outboundaries to be 617,490 acres, and that its character varies greatly.

"There are some limited tracts of good meadow and grazing lands, but the larger portion of the area is of inferior quality. With the exception of the meadows of the Sycan and Sprague River sections, which were the principal bone of contention, the greater part of the excluded land consists of rocky and sterile mountain ranges, producing very ordinary timber and little grass."

They determine the value of these excluded lands to be \$533,270.

Regarding the Indians and the disposition to be made of the value of the excluded lands they say:

"In our intercourse with the Indians on this reservation we observed that a very commendable spirit of progress has been awakened in them; they impressed us as

being of a higher type than the ordinary Indian; ambitious, industrious, and thrifty, they have already made great advancement in civilization.

"They have, with some exceptions, adopted the language, dress, and habits of the whites, and the children are few who are not inmates of the excellent schools provided by the Government; an eager desire for further and continuous progress seems to animate young and old alike. The admirable provisions of the Government to enable them to acquire land in severalty and to build houses and barns are highly beneficial; one step further would assure their self-support and independence of Government aid.

"This step is some assistance to enable them to utilize profitably the lands now being allotted to them.

"Grazing is the best and largely predominant resource of the reservation; therefore a few head of cattle as a start for each family would seem to be a prime necessity.

"We accordingly respectfully recommend that one-fourth of the amount determined to be due them be paid to the Indians per capita for the purchase of cattle, wagons, and mowing machines, and that the remaining portion be held in trust for them by the United States for such period as Congress may establish prohibitory of the disposal of the land now being allotted these Indians, the interest which the Congress of the United States may fix on the portion held in trust to be paid annually to the Indians per capita in like manner."

The Commissioners commend the patience of the Indians and their confidence in the justice of the Government during the thirty-two years in which they have considered themselves wronged by white settlements on lands they considered secured to them by the solemn pledge of the Government.

The Commission appears to have carefully investigated the true location of the boundaries laid down in the treaty, and I have no doubt that its conclusions as to the quantity and value of the land excluded by the erroneous surveys are correct.

As to their recommendations, I would suggest certain modifications.

A plan has been presented to this office for the drainage of a portion of Klamath Marsh which, it is claimed, would result in the reclamation of some 90,000 acres of valuable land.

In portions of the reservation irrigation is needed for the benefit of the allottees and the schools. I am of the opinion that a portion of the funds due the Indians should be made available for these purposes, and also that the money therefor and for the articles mentioned by the Commission should not be paid to them per capita, but should be expended for these purposes under the direction of the Secretary of the Interior.

I would therefore recommend that the sum of \$350,000 be placed in the Treasury of the United States to the credit of these Indians, to draw interest at the rate of 5 per cent per annum, which interest shall be paid to them annually per capita, and that the remainder of the sum recommended by the Commission to be paid, after the payment of the legal fees of attorneys, be expended under the direction of the Secretary of the Interior in the drainage and irrigation of lands, and in the purchase of cattle, wagons, mowing machines, and agricultural implements, the erection of houses, and for such other purposes as he may deem for the benefit and welfare of the Indians.

I inclose two copies of the report of the Commission, with the evidence taken by it. I also transmit the original map, as the making of copies would involve a delay of several weeks. It should be returned to this office.

I also inclose draft of legislation prepared in accordance with the above suggestions.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner*.

The facts in the long-standing complaint of the Indians of the Klamath Reservation have thus, at last, been brought before the Congress for its consideration and the enactment of appropriate legislation for its adjustment. The justice of the contention of the Indians has been made clear. They are shown to have borne the great wrong done them with patience and with confidence that the Government would sooner or later correct the mistake. The delay of adjustment has been long—thirty-two years. It has served to retard the progress of the Indians in the ways of civilization. They are not tribes who are receiving annuities from the Government, nor are they supported by the Government, beyond such little aid as is afforded by the small appropriation annually made of about \$5,000 for their support. The allotment of land to them individually is now being made on the reservation.

The money to be paid by the Government in the adjustment of this claim will aid and encourage them to engage more fully in those industrial pursuits whereby they have heretofore almost wholly provided for their own support.

Your committee therefore report back the bill (S. 1996) without amendment and recommend its passage.

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ESTATE OF RAMSAY CROOKS.

JANUARY 10, 1898.—Ordered to be printed.

Mr. PETTIGREW, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 870.]

The Committee on Indian Affairs, to whom was referred the bill (S. 870) for the relief of the estate of Ramsay Crooks, adopt substantially the report made by the Committee on Indian Affairs to the Senate during the second session of the Fifty-first Congress upon an identical bill, as follows:

On the 14th day of August, in the year 1840, John Lawe, of Greenbay, Wis., being indebted in the sum of \$22,520.59 to Ramsay Crooks and others, his associates, trading under the style of the American Fur Company, executed a deed of trust to one Samuel Abbott, agent and trustee for said fur company, in order to more fully secure his said creditors, of certain lands belonging to him situated in the then Territory of Wisconsin, the deed of conveyance being duly recorded in the land records of Brown County, Territory of Wisconsin.

After the execution of the above-stated deed and subsequent to the decease of the grantor, Lawe, his heirs being desirous of recovering possession of said lands, entered into negotiations with the American Fur Company for that purpose. At the time of the decease of the said John Lawe there were due and owing to him certain large sums of money and debts in the course of his trade with various Indian tribes, viz:

From the Menomonee Nation.....	\$50, 000
From the Chippewa Nation	50, 000
From the Winnebago Nation	30, 000
Also one claim against Stanislaus Chippen, an Indian trader.....	4, 000
And one claim against the Squirrel's daughter, a Menomonee, for about	1, 000
Making, in all, a total sum of.....	135, 000

These claims were offered by the heirs of Lawe as a consideration for the reconveyance of the land; and the fur company, after satisfying itself of the validity of the matter, took an assignment of said claims in liquidation of the debt of Lawe, as per agreement in writing dated the 1st day of September, 1846, and assigned by the heirs and executors of Lawe, and Mr. Abbott, for the fur company; whereupon the latter (Abbott), on the 20th day of October following, released to the heirs all the right, title, and interest of the fur company to the land in question which it had attained by virtue of the deed from Lawe.

After the above transfers were made Samuel Abbott died, and the executors of Lawe, being desirous of carrying out the said original agreement and assignment with said company, and of securing to them all the benefits and advantages of said assignment of September 1, 1846, on the 14th day of November, 1851, by their certain instrument of writing, duly authorized Ramsay Crooks, esq., the president of said

fur company, by an irrevocable power of attorney, to ask, demand, sue for, and recover all and every of the claims before mentioned against said Indians, thus fully confirming to him and said company the former assignment made to Abbott.

The authenticity of these claims is set forth in Appendix M of the report of the Secretary of the Interior to the first session of the Forty-eighth Congress.

The Congress of the United States in the consideration of any bill, therefore, for the benefit of the Menomonee Indians should, in all justice to the present holders of the claims, make due provision for their liquidation.

The Indians acknowledge the validity of the demands, and in their petition embraced in Appendix M, before referred to, request that they be paid. As between individuals an assignment of a legal right to recover just debts is enforceable in the courts of justice, and the principle is just the same in these cases.

The right to the property assigned is still a legal interest vesting in the fur company, although the remedy is taken away, and the only relief of the creditors, who are such for great and valuable consideration, is by appeal to the equity and conscience of Congress.

A bill has been reported by this committee (H. R. 4647) authorizing the sale of timber on the lands of the Menomonees, and as this is a just demand against said Indians, your committee recommend the passage of the bill with the following amendment, that the amount named as due be changed from \$15,861.25 to \$11,961.63.

Measures for the relief of Ramsay Crooks have been before Congress for many years, and bills similar to the one covered by this report have repeatedly been considered in committees of the Senate and House and have invariable been made the subject of favorable report.

Your committee therefore repeats the recommendations of its predecessors, after a thorough examination of the case, and returns the bill with a recommendation that it pass.



RESTORATION OF CERTAIN BOYS TO THE REFORM
SCHOOL.

JANUARY 10, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia,
submitted the following

ADVERSE REPORT.

[To accompany S. 2105.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2105) authorizing the restoration to the Reform School of boys who have been discharged on probation, and for other purposes, make an adverse report thereon.

The bill was referred to the Commissioners of the District of Columbia, and by them was referred to the superintendent of charities, from whose report, given herewith, it appears that sufficient authority already exists to accomplish the object of the bill.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 21, 1897.

DEAR SIR: The Commissioners are of opinion that there is no necessity for the enactment of Senate bill 2105, authorizing the restoration to the Reform School of boys who have been discharged on probation, and for other purposes, which was referred to them at your instance for their examination and report. They have the honor to inclose a copy of a report of the superintendent of charities on the subject, from which it appears that sufficient authority already exists to accomplish the objects of the bill.

Very respectfully,

JOHN B. WIGHT,
Acting President Board of Commissioners District of Columbia.

Senator JAMES McMILLAN,
Chairman Committee on the District of Columbia, United States Senate.

DECEMBER 16, 1897.

GENTLEMEN: Herewith I return to you Senate bill 2105, which you referred to me some time since, and recommend that its passage at the present session of Congress be not urged by the Commissioners.

The bill proposes to give to the board of trustees of the Reform School of the District of Columbia authority to dismiss inmates of that institution on probation, and

2 RESTORATION OF CERTAIN BOYS TO THE REFORM SCHOOL.

to send for and return them to the institution whenever, in the judgment of said board, such return will promote the interest of the boy so dismissed. It provides no conditions to be met by such probationers, and lays down no rules obedience to which will entitle a boy dismissed on probation to remain at liberty.

It provides no means or process by which the board is to exercise the authority to "send for and return" any boy when it is decided that his interests will be promoted by his return. It provides no system of surveillance through which the board is to be informed of the conduct and condition of probationers, and through which such probationers are to be assisted and encouraged to do well.

This whole subject was under discussion before the joint select committee of Congress appointed to investigate charities and reformatory institutions of the District of Columbia at the second hearing held by that committee, on the 8th day of April, 1897. On that occasion the weakness of a plan providing for the return of a probationer when he goes wrong without providing any agency for assisting him in well doing was made sufficiently plain by questions propounded by Representative Pitney, to which no satisfactory answers were or could be given.

An act of Congress passed more than five years ago gave the board of trustees of the Reform School the authority to release boys on probation, provided how they should be placed, how supervised after being placed, and for their return whenever such action should be demanded by the interests of the community or the welfare of the child.

Section 4 of the act of Congress approved July 26, 1892, entitled "An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians," empowers the board of trustees of the Reform School for Boys and the Reform School for Girls "to commit any inmates of their respective schools to the Board of Children's Guardians conditionally upon the good behavior of the child so committed."

Section 5 of the same act provides that "children received from the reform schools shall be placed at work, bound out or apprenticed, and at any time before attaining majority may be returned to the school from which they came, if, in the judgment of the Board of Guardians, such a course is demanded by the interest of the community or the welfare of the child."

No trial of the provisions of the above has ever been made, and until it is shown that the provisions of existing law are insufficient or can not be administered it will not be desirable to set them aside, substituting therefor others less complete.

Eighty per cent of the boys committed to the Reform School are from the District of Columbia, and I believe there is a prevailing impression that the institution should be considered less as a prison, forming a legitimate part of the machinery for the punishment of offenders, and more as an agency for furnishing the training and discipline necessary in fitting children who have become bad because of bad home conditions and evil associations for safe intercourse with their kind under natural conditions.

The conditional release of its inmates, under proper supervision, might be made as powerful an agency for the accomplishment of good as it has been found to be in other places.

No additional legislation is required in order to empower the board of trustees to put such a plan into immediate operation.

Respectfully submitted.

HERBERT W. LEWIS,
Superintendent of Charities District of Columbia.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.



WASHINGTON COOLING COMPANY.

JANUARY 10, 1898.—Ordered to be printed.

Mr. BACON, from the Committee on the District of Columbia, submitted
the following

ADVERSE REPORT.

[To accompany S. 915.]

The Committee on the District of Columbia, to whom was referred the bill (S. 915) to incorporate the Washington Cooling Company and grant thereto the right to lay pipes for distribution of materials for refrigerating purposes, make an adverse report thereon.

The bill was referred to the Commissioners of the District of Columbia, who recommended adverse action on the ground that no satisfactory method for the distribution, by pipes or mains laid in the streets, of ammonia or other gas or fluids used for refrigeration had as yet been established. The letters of the Commissioners are given herewith.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 17, 1897.

DEAR SIR: The Commissioners recommend adverse action upon Senate bill 915, "To incorporate the Washington Cooling Company and grant thereto the right to lay pipes for distribution of materials for refrigerating purposes," which was referred to them at your instance for their examination and report.

A copy of the report of a former Board of Commissioners, addressed to you under date of March 30, 1896, upon a bill of similar import is herewith transmitted as setting forth the principal objections to the proposed legislation.

Very respectfully,

JOHN B. WIGHT,

Acting President Board of Commissioners District of Columbia.

Senator JAMES McMILLAN,

Chairman Committee on District of Columbia, United States Senate.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 30, 1896.

DEAR SIR: The Commissioners recommend adverse action upon Senate bill 1428, "Granting to the Washington Cooling Company the right to lay pipes for the distribution of materials for refrigerating purposes," which was referred to them at your instance for their examination and report.

The satisfactory distribution, by pipes or mains laid in streets, of ammonia or other gas or fluids used for refrigeration, and freedom of asphalt pavements from continuing damage by leakage from the pipes or otherwise, do not appear to be sufficiently established at this time to warrant the granting of the extensive rights of occupation of the streets and avenues of the District of Columbia as contemplated in the bill. Moreover, this bill would give a valuable public franchise without regulation, or without reserving the right of regulation, as to price or quality of the article sold or service rendered by means of the franchise, and without any compensation to the public for the privilege of the occupation of public space; in fact, the company named in the bill, by the absence of any requirement to the contrary, would not pay taxes on its capital stock, as must corporations organized under the laws of the District and conducting wholly a private business without any rights of occupation of streets or other public spaces.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Senator JAMES McMILLAN,
Chairman Committee on District of Columbia, United States Senate.



COLUMBIAN COLLEGE OF THE DISTRICT OF COLUMBIA.

JANUARY 10, 1898.—Ordered to be printed.

Mr. BACON, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 2323.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2323) "supplemental to the act of February ninth, eighteen hundred and twenty-one, incorporating the Columbian College, in the District of Columbia, and the acts amendatory thereof," make a favorable report upon the same.

The purpose and effect of the legislation proposed in the bill are fully set forth in the accompanying letter of Dr. Benaiah L. Whitman, president of the Columbian University, and Mr. Charles W. Needham, a member of the committee appointed to secure the proposed legislation.

THE COLUMBIAN UNIVERSITY,
Washington, D. C., December 9, 1897.

SIR: The annexed Senate bill, No. 2323, entitled "A bill supplemental to the act of February 9, 1821, incorporating the Columbian College, in the District of Columbia, and the act amendatory thereof," was presented to the annual meeting of the corporation of the Columbian University, held at the university in June, 1897, and was unanimously adopted, and the president, with Mr. Charles W. Needham, a member of the board, were appointed a committee to present the matter to the committees of the Congress of the United States and ask its passage. The provisions of the bill are: (a) To vest the control in a single board of trustees; (b) to change the term of office of trustees, and (c) to set forth in the charter, in express terms, what has always been the fact, that the university is under the control of the Baptist denomination.

The first and second amendments will, it is believed by the board, secure more active and efficient services on the part of the members of the board, for the reason that their office will be dependent somewhat upon their service and influence as trustees, whereas now they are elected for life without express power in the corporation to remove any trustee for any cause. The third amendment will enable the university to secure endowments and contributions for its support and maintenance, which are now withheld because prospective donors are in doubt as to what permanent body is responsible for the conduct and maintenance of the institution. It

2 COLUMBIAN COLLEGE OF THE DISTRICT OF COLUMBIA.

is not the purpose to make the teaching or work of the institution denominational, but only to cast upon a body of Christian people the duty and obligation of supporting the university.

Very respectfully submitted.

BENAIAH L. WHITMAN,
President of the University.
CHAS. W. NEEDHAM,
Member of the Committee.

Hon. JAMES McMILLAN,
Chairman of Senate Committee, District of Columbia.



RELIEF OF APPLICANTS TO PURCHASE CERTAIN PUBLIC LANDS.

JANUARY 10, 1898.—Ordered to be printed.

Mr. NELSON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 886.]

The Committee on Public Lands, to whom was referred the bill (S. 886) for the relief of applicants to purchase public lands under the timber and stone act, have had the same under consideration and beg leave respectfully to report as follows:

Amend the bill by adding after the word "entry," in line 6, second section, and page 2 of the bill, the words "not to exceed," and after the word "filing," in section 2, line 12, page 2, add, "*Provided*, That the provisions of this act shall not be extended to cases in which the original entry or filing was made in bad faith, or to cases in which the reason for the failure of the completion of such purchase in the first instance was fraud on the part of the applicant."

And recommend the passage of the bill thus amended.

The annexed communications of the honorable Secretary of the Interior and the honorable Commissioner of the General Land Office show that the bill as amended is approved by the Land Department of the Government.

DEPARTMENT OF THE INTERIOR,
Washington, December 24, 1897.

SIR: I have the honor to hand you herewith copy of a report from the Commissioner of the General Land Office on Senate bill No. 886, "For the relief of applicants to purchase public lands under the timber and stone act," said bill having been recently referred by your committee with the request for the views of this Department thereon.

The Commissioner suggests certain amendments to the second section of the bill, and also the addition of a proviso thereto, the substance of which is set forth in his report.

I concur in the Commissioner's recommendations and, with the amendments suggested, I have no objection to urge to the passage of the bill.

Very respectfully,

THOS. RYAN, *Acting Secretary.*

Hon. H. C. HANSBROUGH,
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 23, 1897.

SIR: I have the honor to acknowledge the receipt, by your reference of the 15th instant, for early report, in duplicate, with return of paper, of a copy of Senate bill No. 886, entitled "A bill for the relief of applicants to purchase public lands under the timber and stone act."

Under existing law but one filing is allowed any person or association of persons, but since the decision of the Department of December 16, 1895, in the case of Caleb J. Shearer (21 L. D., 402), it has been the practice, if the applicant is unable to make payment for the land on the day fixed for making proof and payment, and there is no adverse claim, to allow him, upon showing that the default was practically unavoidable, to pay for the land after republication of notice of intention as required by act of June 3, 1878 (20 Stat., 89.).

It is suggested that the second section of the bill under consideration be amended by adding after the word "entry," in line 6, the words "not to exceed," so as to permit of additional entries of a quantity of land which, when added to the land embraced in the first entry, may make less than 160 acres.

I also think that a proviso should be added to the bill so as to provide that the act should not apply to cases where the original entry or filing was made in bad faith.

With the exception of the foregoing suggestions this office has no objection to urge against the passage of the bill.

The copy of the bill is herewith returned.

Very respectfully,

BINGER HERMANN, *Commissioner*

The SECRETARY OF THE INTERIOR.



JOHN A. WORSWICK.

JANUARY 11, 1898.—Ordered to be printed.

Mr. KYLE, from the Committee on Pensions, submitted the following
REPORT.

[To accompany S. 1542.]

The Committee on Pensions, to whom was referred the bill (S. 1542) to increase the pension of John A. Worswick, having carefully considered the facts in the case, respectfully report that the same should pass.

After examining the evidence carefully your committee are of the opinion that the facts are fully set forth in House Report No. 1428, Fifty-fourth Congress, first session, and adopt this as the report of this committee, as follows:

The claimant enlisted December 31, 1861, in Company H, Eighteenth Wisconsin Infantry, and on August 11, 1862, was discharged for disability. In February, 1864, he reenlisted in the same company and was honorably discharged July 18, 1865.

July 22, 1889, he applied under the general law, alleging disease of testicles, chronic diarrhea, deafness, and disease of head. The hospital records show that at different times during his service he was treated for rubeola, parotitis, diarrhea, remittent fever, sprain, remittent fever again, and intermittent fever. July 16, 1890, the examining board rates him thus:

"Deafness, twenty-five thirtieths; orchitis, four-eighteenths; piles, four-eighteenths; chronic diarrhea, four-eighteenths."

The board of review, however, found that he had not established his claim for the following reason:

"Because of the fact that certificate of disability for discharge raises doubt as to prior soundness, and fact of reenlistment doubt as to disability at discharge."

The discharge certificate which gives rise to this "doubt" is couched in this language:

"During the last two months soldier has been unfit for duty fifty days; has been in general hospital, now in camp hospital, diarrhea; was checked; now very low with fever.

"Bad constitution; he is of light build, of consumptive habit * * * is now convalescing from remittent fever; age 19."

The evidence as to prior soundness, origin, and continuance is unusually full, and a summary of the same is annexed as an appendix.

May 15, 1895, another examining board reports that the applicant is so disabled for manual labor, by reason of deafness, throat trouble, ulcerations, piles, hypertrophied epididymis and spermatic cord, as to be entitled to the whole of a third-grade rating.

During the pendency of his general-law claim the soldier applied under the act of June 27, 1890, and was promptly allowed the maximum rate thereunder on account of the disabilities mentioned.

November 2, 1895, the medical referee recommends that—

“The rate under the act of June 27, 1890, should be reduced to \$8. He is disabled to a pensionable degree under the general law by deafness, diarrhea, naso-pharyngeal catarrh, disease of rectum and testicles.”

Pursuant to this suggestion, thirty days were allowed within which to show cause why the pension should not be reduced, and the claimant immediately filed the affidavits of two physicians, both of whom certify that he is incapacitated for the performance of manual labor.

December 31, 1895, notwithstanding the satisfactory evidence on file in the case, a reduction to \$8 per month was made.

The pension granted under the act of June 27, 1890, is reduced because the claimant “is disabled to a pensionable degree under the general law;” but, nonconstat, he has a claim under the general law, because, forsooth, the certificate of discharge “raises doubt as to prior soundness,” and, as an alternative, the “fact of reenlistment doubt as to disability at discharge.”

These doubts can exist in doubting minds only—minds which, in order to be convinced, require the production of evidence excluding every other reasonable hypothesis. The uncontradicted and unassailed testimony of five unimpeached witnesses, besides the claimant, establishes prior soundness, regardless of the soldier's first enlistment and acceptance by the Government. The direct evidence and hospital records are amply sufficient to remove the second doubt, but in the absence of these we would incline on this point to the view of the Bureau official who submitted this claim for admission, to wit:

“The fact that the soldier served rather a short term, beginning February, 1864, ought not, I think, to be too strongly held as evidence of recovery to any considerable extent, as at that time the pressure for men was great.”

And it is well known to everyone at all familiar with the subject that thousands of men were accepted into a second service who would have been rejected had they presented themselves under the same conditions for the first.

Your committee believe that no doubt whatever exists in this case; on the contrary, it is clearly made out. One pension should not have been reduced, the other should have been allowed; and we have no hesitancy in recommending the passage of the bill.

In line 5, after the word “late,” insert “a private.”

APPENDIX.

A lieutenant of the company testifies that claimant contracted measles in the spring of 1862, and was unfit for duty for some weeks prior to his discharge; contracted deafness in the line of duty; testicles were badly swollen; sent to the hospital at Corinth, where he came near dying.

The sergeant of the company testifies that in the spring of 1862 claimant contracted measles, which resulted in deafness; was sent to hospital at Corinth; affiant detailed men to watch with claimant, whom it was thought would die; got so low that he was flyblown about the mouth, and could not raise his hand.

A comrade testifies that he and the claimant were boys together before the war; that after affiant joined the same company, in 1864, they became bunk mates; while thus situated he noticed that claimant was badly ruptured, and often saw him in great pain on that account; time and again he had bathed with claimant prior to enlistment, and knew that he was not then ruptured; claimant was deaf when they were in the same company, and the deafness grew so bad that he could hardly hear the commands given by the officers.

Another witness states that he knew claimant since 1853; before enlistment he was a strong, robust boy, of good constitution, capable of doing any kind of work; immediately after his discharge from the Army he lived at affiant's house about a year; he came home from the war hard of hearing, which grew worse until he was quite deaf; at that time he wore a wide belt around his loins and complained of pain in back and bowels; said he had a breach; at times he would have fainting spells; was intimately acquainted with him until 1884.

Another witness testifies that he knew claimant all his (claimant's) life; he was physically sound when he entered the service; saw him when he came home after discharge; he had piles, chronic diarrhea, and a rupture; was also hard of hearing, which grew worse, until he became very deaf.

Two witnesses testify that they knew claimant since 1860; at the time of enlistment he was a sound, healthy young man, without deafness or other physical disability; after his return from the Army he was deaf, which grew so bad that it was useless to try to converse with him except in a very loud tone; had a rupture and complained of pains in the back, diarrhea, and piles; was completely used up.

Another witness testifies that he knew claimant since 1865; after returning from the Army he was partially deaf, which gradually grew worse; from 1865 until he moved out of affiant's neighborhood claimant wore a bandage on account of rupture, and complained of dysentery and piles; affiant lived in the same house with claimant and saw a great deal of him.

Two additional witnesses state that they knew claimant since 1882 or 1883, and testify as to his incapacity to perform manual labor by reason of the disabilities alleged.

A physician who examined him for deafness certifies that the same is the result of a former inflammatory disease and is incurable.

Physicians' affidavits filed on the notice to show cause.

Samuel J. Coyne, M. D., a practicing physician for fifteen years, makes oath and says:

"Acquainted with said soldier for ten years; * * * has treated him at various times for severe and increasing deafness of both ears, and at this time he is nearly totally deaf; that he has a complete inguinal hernia of right side, and that the bowel protrudes through the external ring the size of a large egg; that he is a continual sufferer from piles, internal, and is also subject to diarrhea, which is quite persistent at times and which renders him unable to perform any manual labor."

L. F. Diefendorf, M. D., a practicing physician for nineteen years, deposes and says:

"I have been acquainted with John A. Worswick over ten years; have examined him carefully several times, and have at different times during the last ten years prescribed for him for piles and diarrhea; he has a complete right inguinal hernia. In addition to these disabilities, he has complete deafness of the right ear, and hears very imperfectly with the left. He has not done a day's manual labor since I became acquainted with him—over ten years ago."

Amend by striking out the word "thirty," in line 6, and inserting the word "twenty."

WILLIAM HAMLEY.

JANUARY 11, 1898.—Ordered to be printed.

Mr. SHOUP, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 127.]

The Committee on Pensions, to whom was referred the bill (S. 127) granting an increase of pension to William Hamley, have examined the same and report:

This soldier enlisted as a private in Company D, Forty-first Regiment Wisconsin Volunteers on the 11th of May, 1864, for one hundred days, and was honorably discharged September 23, 1864.

He applied for pension under the general laws March 23, 1883, alleging jaundice and rupture, which was allowed at \$4 per month. His pension has been increased at intervals on account of rheumatism, disease of liver, and piles, to \$24 per month, which amount he is now drawing. Claimant made application for increase May 6, 1897, alleging that his disabilities had increased to such an extent that he could not dress or undress himself, and is in perpetual need of another person as attendant. The claim was rejected on the ground that the increased disabilities are due to age and not to pensioned causes. Claimant is 84. The report of the examining surgeon, Dr. W. W. Watkins, Moscow, Idaho, dated July 21, 1897, states, after describing disabilities, that the—

Claimant requires the frequent and periodical, though not constant personal aid and attendance of another person, and I can honestly and conscientiously recommend that he be placed under act of July 14, 1892 (\$50 per month). He can not live much longer. He has no vicious habits. He is an old minister—acted as chaplain in Army. He can do no work. He requires assistance to dress him and assist him from stool.

In view of the extreme helplessness and age of this claimant, your committee believe that his claim is meritorious, and recommend the passage of the bill after it is amended as follows:

In line 7, strike out the words "seventy-two" and insert in lieu thereof the word "fifty."

MARGARET BUTLER MEADE AND HENRIETTA MEADE.

JANUARY 11, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

ADVERSE REPORT.

[To accompany S. 1746.]

The Committee on Pensions, to whom was referred the bill (S. 1746) granting a pension to Margaret Butler Meade and Henrietta Meade, daughters of the late Maj. Gen. George Gordon Meade, United States Army, have examined the same and report:

This bill proposes to pension Margaret Butler Meade and Henrietta Meade, daughters of the late Maj. Gen. George Gordon Meade, United States Army, at the rate of \$100 per month each. Without stopping to discuss the high rate of pension proposed in the bill, it is sufficient to say that Congress has not, except possibly in a single instance, granted a pension to any adult daughter of the war of the rebellion, unless such daughter has been wholly incapacitated, physically or mentally, from birth. It must be manifest to everyone that to open the pension roll to the children of soldiers of the late war would result in an increase of expenditures the amount of which would more than equal the entire revenues of the Government.

The services of General Meade were among the most brilliant of the entire war, and his name will go down to posterity as one of the greatest generals of his day. If it could safely be done, doubtless Congress would be glad of an opportunity to grant relief to the daughters of this great general, as well as to those of others who, equally with him, brought renown to the Union cause, and it is only from the fact that the pension laws do not include claimants of this class that your committee feels constrained not to open, even by a single act of legislation, this new avenue for pension expenditure.

The bill is therefore reported back adversely, and its indefinite postponement recommended.

JOHN C. EMERY.

JANUARY 11, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 2101.]

The Committee on Pensions, to whom was referred the bill (S. 2101) granting a pension to John C. Emery, have examined the same and report:

Claimant was a contract surgeon from July 15, 1864, to April 5, 1865. He also served as assistant surgeon of the Thirteenth Regiment New Hampshire Infantry from April 6, 1865, to June 21, 1865. For the latter service he was debarred from pension for the reason that the law requires a service of three months. Soldier filed a claim under the general law October 19, 1892, alleging malarial fever, dysentery, and jaundice. This claim was rejected August 29, 1896, on the ground of "no disability from malarial fever, dysentery, or jaundice since filing."

According to the testimony of Dr. Samuel P. Carbee, it appears that soldier was sick in a hospital on or about August 15, 1864, with bilious fever, followed by dysentery. The records of the War Department also show that soldier was sick from August 22, 1864, to September 16, 1864, with jaundice. Dr. Carbee gives it as his opinion that the soldier never fully recovered from the effects of said sickness.

Soldier also filed a claim under the act of June 27, 1890, for rheumatism and general vascular debility. This claim was rejected June 19, 1896, on the ground that "claimant was not ninety days in the United States military service." Inasmuch as soldier served as assistant surgeon almost the requisite time to give him a pensionable status under the act of June 27, 1890, and was also sick in hospital during his service as contract surgeon, which service extended over a period of almost one year, it seems to be right and just that some rate of pension should be granted to him. Medical examinations show that he is suffering from a variety of diseases, such as rheumatism, malarial poisoning, disease of heart, catarrh, and diarrhea. Beyond a question the soldier is in exceedingly bad physical condition, and the rejection of his claim has been upon grounds technical in nature but strictly according to law.

Your committee recommend that the bill be amended by striking out the word "thirty," in line 8, and inserting the word "twenty," and that as amended it do pass.

LAFAYETTE TIBBETTS.

JANUARY 11, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 509.]

The Committee on Pensions, to whom was referred the bill (S. 509) granting an increase of pension to Lafayette Tibbetts, have examined the same, and report:

The beneficiary under this bill is hopelessly insane and confined in the State insane asylum at Concord, N. H. In his original declaration it is alleged that at Chapins Farm, Virginia, in March, 1865, he was taken ill from fever and ague, and that he had suffered continuously from that time from malarial poisoning, resulting in attacks of partial paralysis, general debility, and kidney disease. The records show that he was in hospital from March 24, 1865, and from March 25 to June 2, 1865. Two of his comrades testify to the origin of the disease in the service as alleged, and that while in hospital his lower limbs became numb and partially paralyzed. This claim not having been allowed under the general law, the soldier applied February 27, 1893, under the act of June 27, 1890, alleging malarial poisoning, chills and fever and resulting paralysis, locomotor ataxia, rheumatism, and heart disease. This claim was allowed January 5, 1895, at \$6 per month, for rheumatism, disease of heart and nervous system, and the bill was increased to \$12 per month from August 13, 1895, for rheumatism, disease of heart and nervous system, and insanity. Several medical examinations show that the patient was in a very bad physical condition prior to the insanity, and it is safe to assume that the condition of his nervous system, as a result of disease contracted in the service, had much to do with unbalancing the brain. The following statement from Dr. C. P. Bancroft, superintendent of the New Hampshire asylum, dated February 16, 1897, sets forth the present hopeless condition of the soldier:

I understand that Captain Tibbetts was in the service during three years of the war; that he was exposed to much hardship both in the way of battle and march, and suffered the usual exhausting and depressing effects from a particularly hard service. I think there is very little doubt but that this strain upon his physical and nervous organization has undoubtedly furnished one cause for his early mental

and physical impairment. The case presents a history of gradual and progressive failure for the last seven years. He has a very marked loss of power in his lower extremities, so much so that he can not walk without some assistance. This is evidently a slow and gradually increasing paresis of all the muscles of the lower extremities. I believe the condition is due to organic changes in the cord and brain, and that the case is incurable. He is entirely incapacitated from doing anything, and will necessarily be a constant burden upon someone. I believe that his case is a deserving one for increase of pension, for I question very much whether a man with his naturally rugged and vigorous constitution would have succumbed so early to organic disease of the character that he has had there not been this severe shock and strain which he endured during his army service.

In view of the fact that the soldier was sick while in the service from a disease that resulted, according to medical examinations, in a nervous condition that might well predispose to insanity, your committee are of opinion that he is justly entitled to a substantial increase of pension. A medical examination made by the board at Manchester, N. H., under date of March 23, 1892, gives the soldier a high rating for disease of spinal cord and malarial poisoning, while another examination, made April 12, 1893, gives him a rating for chills and fever, weak heart, locomotor ataxia, and rheumatism. Thus it appears that the brain and spinal column were affected, and it seems reasonably clear that those disabilities were associated with the malarial poisoning which is directly traceable to army service.

Your committee recommend that the bill be amended by striking out the word "Tebbetts" in line 6 and inserting the word "Tibbetts," by striking out the word "fifty" in line 8 and inserting "thirty," and by adding at the end of the bill the words "payable to his legally constituted guardian;" also that the title of the bill be amended by substituting the word "Tibbetts" for that of "Tebbetts."



WELLS C. MCCOOL.

JANUARY 11, 1898.—Ordered to be printed.

Mr. PROCTOR, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 193.]

The Committee on Military Affairs, to whom was referred the bill (S. 193) entitled "A bill for the relief of Wells C. McCool," having had the same under consideration, report it back favorably without amendment and recommend its passage. This bill passed the Senate during last Congress.

Your committee adopt the report of the Senate Committee on Military Affairs made in the Fifty-fourth Congress, and make it a part hereof, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 792) entitled "A bill for the relief of Wells C. McCool," having had the same under consideration, report it back favorably with an amendment and recommend its passage.

Your committee adopt the report of the Senate Committee on Military Affairs made in the Fifty-third Congress, and make it a part hereof, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 474) entitled "A bill for the relief of Wells C. McCool," having had the same under consideration, report it back favorably and recommend its passage.

Your committee adopt the report of the Senate Committee on Military Affairs made in the Fifty-second Congress, and make it a part hereof, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 860) entitled "A bill for the relief of Wells C. McCool," have had the same under consideration, and report it back favorably and recommend its passage.

This bill passed both Senate and House during the Forty-ninth Congress, but failed to reach the Executive in time for his action. It was likewise favorably reported in the House during the Fiftieth Congress, and it passed the Senate of the Fifty-first Congress and was favorably acted on by the House committee (see Senate Report 419 and House Report 1791).

Your committee adopt the report of the Senate Committee on Military Affairs in the Forty-ninth Congress as its own, as follows:

[Senate Report No. 1942, Forty-ninth Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3930) for relief of Wells C. McCool, having had the same under consideration, have carefully examined a mass of sworn and documentary evidence in support thereof, and report it back favorably and recommend the passage of said bill.

The testimony submitted fully supports the statement of facts found in the House report (hereto annexed), and, in the judgment of your committee, justifies the conclusion therein arrived at.

The applicant had not been long in the service, and was not fully qualified from experience to comprehend the full force of a disobedience of orders, even when such orders seemed ill-advised and injurious to the men in his command.

The fact that the charge was removed tends to prove that it was not regarded as heinous, and McCool having thereafter served for about two years as a private in the same regiment and until mustered out in 1865, your committee are of the opinion that he is entitled to the relief asked for.

HOUSE REPORT.

The committee find the facts to be as follows: On the 1st of December, 1862, Wells C. McCool, of Guthrie County, Iowa, was regularly mustered into the service of the United States as first lieutenant, Company A, Twenty-ninth Iowa Infantry Volunteers, and in March, 1863, he had a personal difficulty with the lieutenant-colonel of his regiment, was tried by court-martial, and sentenced to be dismissed the service of the United States, with loss of all pay and allowance; that sentence of said court-martial was approved April 30, 1863, and that the said Wells C. McCool served as such lieutenant until that time; that subsequently, on the 12th of September, 1863, the said Wells C. McCool was reinstated in Company I, Twenty-ninth Iowa Infantry Volunteers as a private soldier, and served faithfully as such until the close of the term of service of said company, when he was mustered out with his company and regiment on the 10th of August, 1865; that his disabilities on account of said dismissal were removed by the President of the United States on the 22d of August, 1867, and that he was afterwards commissioned by the governor of Iowa as an officer in the State troops of said State, and faithfully served as such until he removed from the State.

The faithful service performed by said Wells C. McCool prior to said court-martial and sentence, and his subsequent faithful voluntary service in the capacity of a private soldier for the period of over two years, justly entitle him to the relief sought for in the bill, and your committee therefore recommend the passage of the same.



J. E. GILLINGWATERS.

JANUARY 11, 1898.—Ordered to be printed.

Mr. PROCTOR, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 237.]

The Committee on Military Affairs, to whom was referred the bill (S. 237) entitled "A bill for the relief of J. E. Gillingwaters," having had the same under consideration, report it back favorably, without amendment, and recommend its passage.

This bill passed the Senate during the first session of the Fifty-fourth Congress.

Your committee adopt the report of the Senate Committee on Military Affairs made in that Congress and make it a part of this report.

[Senate Report No. 391, Fifty-fourth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 65) for the relief of J. E. Gillingwaters, having had the same under consideration, beg leave to submit the following report:

This bill was reported favorably by the Committee on Military Affairs of the House of Representatives in the first session of the Fifty-second Congress, and was also reported favorably by the Senate Committee on Military Affairs in the second session of the Fifty-second Congress. In the latter report the facts of the case were fully set forth, and your committee adopt the same and unanimously recommend that the bill be passed.

Said report is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 3177) for the relief of J. E. Gillingwaters, having had the same under consideration, beg leave to submit the following report:

The records of the War Department show that J. E. Gillingwaters was enlisted March 14, 1862, as a private in Company C, Tenth Regiment Missouri State Militia Cavalry, and that he was discharged January 9, 1864, to enlist in the Twelfth Regiment Missouri Cavalry; that he enlisted January 11, 1864, as a private in Company H, Twelfth Regiment Missouri Cavalry, and was dishonorably discharged the service by sentence of general court-martial. Reference is here made to the accompanying report of the Secretary of War, which forms a part of this report.

It appears that during the year 1865, while in the State of Tennessee in pursuit of General Hood's army, at an inclement season of the year, the said Gillingwaters,

having lost his blankets, and while on scout duty in company with and under the command of Captain Harris, an army scout, they discovered a quantity of stores, and, with the consent and approval of Captain Harris, took possession of two blankets and walking cane. The cane had an inscription upon it showing that it was the property of a Confederate officer. He was afterwards ordered by some officer who happened to be present to replace the things he had taken, which he did.

After consulting with Captain Harris, who was the officer of his command, he was instructed to keep the blankets. He thereupon carried away the blankets and the cane—the cane to present to the colonel of his regiment, the blankets for himself. The court-martial before whom he was tried sentenced him to be dishonorably dismissed and to forfeit pay and allowance, which sentence, in the judgment of your committee, was for the purpose of making an example for the benefit of discipline in the command.

This soldier at that time being under 18 years of age, and previously having had a good reputation as a soldier, and having served in the Army more than three years, and at the time of his trial the war being over, your committee think that he was unduly dealt with, and in view of all the facts as set forth in the evidence filed with this report recommend that the bill do pass.

Case of J. E. Gillingwaters, late of Company H, Twelfth Regiment Missouri Cavalry.

RECORD AND PENSION DIVISION, *February 25, 1892.*

The records show that James E. Gillingwaters was enlisted March 14, 1862, as a private in Company C, Tenth Regiment Missouri State Militia Cavalry (subsequently known as Company C, Third Regiment Missouri State Militia Cavalry), and that he was discharged January 9, 1864, to enlist in the Twelfth Regiment Missouri Cavalry; that he enlisted January 11, 1864, as a private in Company H, Twelfth Regiment Missouri Cavalry, and was dishonorably discharged the service by sentence of general court-martial, promulgated in orders, of which the following is a copy:

[Extract.]

GENERAL ORDERS,) HEADQUARTERS FIFTH DIVISION, CAVALRY CORPS,
No. 25.) MILITARY DIVISION MISSISSIPPI,
Eastport, Miss., May 26, 1865.

Before a general court-martial convened by virtue of General Orders, No. 20, from these headquarters, dated Eastport, Miss., April 24, 1865, and of which Col. John W. Graham, Seventh Illinois Cavalry, is president, was arraigned and tried:

* * * * *

XII. Private James E. Gillingwaters, Company H, Twelfth Missouri Cavalry.

Charge.—Larceny.

Finding.—Guilty.

Sentence.—And the court does therefore sentence the said Private James E. Gillingwaters, Company H, Twelfth Missouri Cavalry, to be dishonorably discharged the service, with the loss of all pay now due, and to be confined at hard labor for six months.

* * * * *

XXV. Proceedings and findings and sentence in the case of Private James E. Gillingwaters, Company H, Twelfth Missouri Cavalry, are approved. The commanding officer of the Twelfth Missouri Cavalry will have the prisoner brought under guard before the regiment at dress parade, the order promulgating the proceedings read, and the prisoner trumpeted from their right to the left of the regiment with “rogue’s march,” and then forwarded, with a copy of the order in his case, to Capt. R. M. Goodwin, assistant provost-marshal-general, Department of the Cumberland, for confinement in military prison at Nashville, Tenn.

* * * * *

By command of Bvt. Maj. Gen. Edward Hatch.!

HENRY A. COLVIN,
Assistant Adjutant-General.

The specification under the charge is as follows:

“In this, that he, James E. Gillingwaters, private Company H, Twelfth Missouri Cavalry, did improperly and illegally have possession of and did feloniously carry away, with the intent to appropriate to his own use and benefit, one Mackinaw

blanket and one silver-headed cane, the property of a citizen of Purdy, Tenn. * * * All this on or about the 5th of April, 1865."

In a petition to the President, dated May 20, 1872, which was referred to this Department, Mr. Gillingwaters makes the following statement:

"That during the year 1865, while in the State of Tennessee in close pursuit of General Hood's army, at a very inclement season of the year, he had no camp blankets, of which he was in much need, and while on scout duty in company with and under the command of Capt. Harris, an army scout, they were informed of a quantity of army goods belonging to the rebels stored in a certain building near Pittsburg Landing. Your petitioner stated his need to the officer and asked him if he could not be supplied out of the rebel stores said to be in that building. To this the officer replied he could be supplied from the stores referred to, and believing that they had a right to capture rebel goods your petitioner, in company with the officer and several other soldiers, proceeded to and entered the building and searched it, and in the house they found a quantity of blankets, clothing, and other articles. Believing them to be Confederate stores, though claimed as private property, at the suggestion of the officer with him, he took two blankets, to supply his immediate wants, and a fine walking cane, the property of a Confederate officer, which your petitioner captured, intending to present it as a trophy to his colonel.

"There were in the building a large quantity of blankets, perhaps twenty-five or thirty, all of which were taken by other Union soldiers, and for which no arrests were made, except your petitioner, who, for the act above described and frankly stated, was arrested on a charge of larceny, tried by a court-martial, and condemned to a forfeiture of all pay and allowance and six months' imprisonment, and to a dishonorable discharge, all of which were fully executed. From the fact that no other arrest was made for the same offense, your petitioner infers and believes that the arrest was caused by personal malice to your petitioner. On the trial your petitioner had no attorney to defend or direct him and to shield him from the effects of youthful ignorance of law. He could have offered in mitigation of his offense the suggestions of his officers and the example of others, but he disdained to become an informer on brother soldiers in order to shield himself from punishment if he was really guilty of violating the army laws.

"Your petitioner does not reflect on the honor or justice of the court which tried and condemned him. He is bound to presume that the court was governed by the law and the evidence in the case as presented. He also admits that the act as he now sees it, after several years of more mature age and reflection, was against the spirit and probably the letter of the Army Regulations. He sees and admits the necessity of these regulations and discipline being strictly enforced for the honor and dignity of the service and for the good of the Army individually and collectively. But he earnestly solicits the attention—the charitable attention—of the President in mitigation and palliation of the offense charged—

"(1) To his extreme youth when he first entered the service, when, during the first years of the war, a great deal of demoralization and irregularity in discipline existed, and especially among the Western troops, accustomed to but comparatively little control.

"(2) To the fact, already stated, that your petitioner had no counsel to direct or defend him or to prevent improper admissions or evidence being introduced.

"(3) That at the time of the commission of the offense charged, influenced by bad counsel and previous loose discipline observed, your petitioner believed he was engaged in an act of war, instead of an act of plunder, as charged by the court.

"(4) Your petitioner says that, after three years of honorable service in the different branches of the Army, in which he endeavored to discharge his duty and in which he earned the pay and bounty due to a soldier, he thinks the punishment of imprisonment and the degradations to which he was subjected are sufficient to have vindicated the honor and dignity of the Army, and that a great and magnanimous Government can as well afford to pardon the foibles of loyal, though doubtless misguided soldiers who have committed indiscretions in their overzealous desire to punish rebels, as to pardon the rebels of almost every grade who made the necessity of bringing into service such vast armies; and the policy of general amnesty seems now about to be generally adopted."

Accompanying this petition was a paper signed by five citizens of Louisiana, Mo., viz, Edwin Draper; D. F. Brantlinger, postmaster; Edward Smart, late colonel Third Regiment Missouri State Militia Cavalry; S. Angus Bartlett, late captain Company C, of that regiment, and H. C. Hardin, "Mo. H. R.," who stated that they were fully satisfied, from their acquaintance with the petitioner, that if he had been of more mature age (he states that he was under 16 years of age at date of original enlistment) and better understood the rules and usages of the Army, he would not have incurred such penalty; that since he left the Army he had been a quiet, good citizen, was married to a respectable lady, and was deemed worthy of the clemency

of the Executive, and they trusted that while it was the policy of the Government to extend amnesty and pardon to nearly all persons lately in rebellion against the Government, its clemency would not be withheld from a youth who, after years of honorable service, through want of experience and probably from the bad example of older persons, incurred the penalty of the rigid rules of the Army Regulations.

It being held that it was not in the power of the Executive to set aside an executed sentence of a general court-martial, this application was denied by letter from the office of the Adjutant-General of the Army, dated July 26, 1872.

Respectfully submitted.

F. C. AINSWORTH,
Major and Surgeon, United States Army.

The SECRETARY OF WAR.



GRANT OF CERTAIN LANDS TO THE STATE OF ALABAMA.

JANUARY 11, 1898.—Ordered to be printed.

Mr. HANSBROUGH, from the Committee on Public Lands, submitted
the following

REPORT.

[To accompany S. 2768.]

The Committee on Public Lands, to whom was referred the bill (S. 2768) to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama and of the Tuskegee Normal and Industrial Institute, have examined the same, and respectfully recommend its passage.

A similar bill passed the Senate in the Fifty-fourth Congress and was reported favorably by the House Committee on the Public Lands.

The Girls' Industrial School of Alabama was located in the town of Montevallo January 1, 1896. Opened October, 1896, and enrolled during that session 226 pupils from 36 counties in the State. The second session began October, 1897, with an attendance of over 300 young women from over 50 different counties, and will enroll over 400 pupils during the present session, ending June next.

The faculty consists of a president and 18 teachers, who teach the following branches: English, history, mathematics, pedagogy, Latin, art, music, telegraphy, scientific cooking, stenography and typewriting, dressmaking and sewing, and millinery. Other industrial features will be added as soon as the finances of the school will afford it.

During the month of November the girls in the dressmaking and sewing classes earned and collected for work done by them over \$130. This did not interfere with their work in other departments of the school. Quite a number of young women have been employed as stenographers and typewriters from the school; others have already been engaged to take positions at the close of the sessions from different departments of the school.

Attention is also called to the House report made on this bill in the Fifty-fourth Congress.

[House Report No. 1376, Fifty-fourth Congress, first session.]

The Committee on the Public Lands, to whom was referred the bill (S. 2461) to grant lands to the State of Alabama for the use of the Industrial School for Girls

2 GRANT OF CERTAIN LANDS TO THE STATE OF ALABAMA.

of Alabama and of the Tuskegee Normal and Industrial Institute, have had the same under consideration, and report it back with the following amendment, to wit:

“Provided, That the lands shall be so selected as to be of substantially equal value for each school.”

And recommend that with said amendment the bill pass.

The first school for which this grant of lands is intended to establish an endowment fund is situated at Montevallo, in the State of Alabama, and was chartered by the legislature of Alabama. The school was established to give an industrial as well as a classical education to the poor white girls of the State. The pupils are taught stenography, telegraphy, dressmaking, cooking, printing, etc. This is the only school of its kind for the education of girls in Alabama. There are 76,000 girls of educational age in the State, and the tuition is free to all girls. The school has received a donation of 40 acres of land, with a number of buildings situated thereon, and \$9,000 from the citizens of Montevallo, and from the State of Alabama \$5,000 in 1894 and \$10,000 in 1895. The total endowment amounts to \$24,000. The school is in need of assistance, and similar grants have heretofore been made to such schools in other States.

The other school for which this grant of lands is intended to establish an endowment fund is situated at Tuskegee, in the State of Alabama, was chartered by the legislature of Alabama, and organized fourteen years ago. The school was established to give an industrial as well as a classical education to colored boys and girls. There are now about 800 pupils, who are taught agriculture, dairying, and many various trades. The poor pupils are given work to assist them in securing an education. There are twice as many pupils apply for admission as the school is able to admit.

The school now receives \$3,000 per annum from the State of Alabama, \$5,000 from the Slater fund, has an endowment of \$25,000, and the balance necessary for its support is raised by private subscriptions. The annual expenditures amount to \$79,000, and there are 69 instructors. Similar bills have passed Congress in aid of schools in other States.



LOUIS A. YORKE.

JANUARY 12, 1898.—Ordered to be printed.

Mr. HALE, from the Committee on Naval Affairs, submitted the
following

REPORT.

[To accompany S. 2753.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2753) for the relief of Louis A. Yorke, have had the same under consideration, and beg leave to report it back and recommend its passage.

Louis A. Yorke entered the Navy when he was 15 years and 6 months old, such entry being in February, 1862. He was commissioned an assistant paymaster in October, 1869, and promoted to be a passed assistant paymaster in 1875. He was ordered before an examining board for promotion to be a paymaster on the 4th of December, 1886, said board consisting of three paymasters, and by this board he was wholly retired from the naval service.

The records of the Navy Department, and also the records of the accounting officers of the Treasury Department, show that while Mr. Yorke was in the naval service his accounts were always promptly and correctly rendered, and the files of the Navy Department contain letters from his commanding officers extending over a period of twenty years, showing his conduct and record to have been of the highest character.

Among other testimonials in Mr. Yorke's favor in the papers is the following from Admiral George E. Belknap, under whom Mr. Yorke served at the Pensacola Navy-Yard from 1878 until 1881, in charge of the pay and inspection department. In answer to interrogatories addressed to him by the naval examining board, in January, 1886, Admiral Belknap says in regard to Mr. Yorke, "I have no personal knowledge of his having any habits which would disqualify him for promotion, nor that he is given to habits of intemperance. I do regard him as mentally qualified for promotion. I do regard him as professionally qualified for promotion." He further testified that "the reputation of Mr. Yorke in the Navy as an officer and a gentleman, so far as I personally know, is good." In answer to the question, "Do you or not consider P. A. Paymaster L. A. Yorke to be mentally, morally,

and professionally a fit officer to perform all his duties at sea in a higher grade," he answered, "I do so consider him."

During all the years of his service he was never placed under arrest, suspended, reprimanded, or punished in any way whatever, and your committee believes, from its careful investigation into the facts concerning this case, that the action taken by the examination board was arrived at without sufficient evidence, and therefore your committee thinks that this bill should pass and thus, in a measure, repair the injury done Mr. Yorke.

A bill like the one now reported was vetoed by President Cleveland in the Fifty-third Congress, but the committee which had the benefit of Mr. Yorke's presence and the opportunity to examine him personally in former years does not think that the reasons given for the action of the then President overweigh all the testimony and facts in the case in Mr. Yorke's favor.

It should also be stated that Mr. Yorke suffers from a broken leg, which injury he received directly in the line of duty, and as he seeks only to be placed upon the retired list of the Navy, with the rank which he attained after twenty-odd years of faithful and meritorious service, your committee is of the unanimous opinion that his prayer should be granted and the bill enacted.

As bearing upon the merits of this case, the history of which has been indicated as above, the committee thinks it proper to submit the following official communications affecting Mr. Yorke.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
Washington, D. C., March 6, 1886.

SIR: In reply to your letter of the 4th instant, inclosing a copy of a communication from Robert Smith, of Philadelphia, Pa., I have the honor to inform you that the accounts of P. A. Paymaster L. A. Yorke, U. S. N., are balanced on the books of this office. Below are given the dates, beginning in 1872, upon which his balances were deposited after being relieved from duty, and while it is possible that these amounts might have been borrowed by Paymaster Yorke to enable him to settle his accounts, there is no evidence on file to establish the fact that it was necessary.

Paymaster Yorke was ordered to the U. S. S. *Yantic* August 18, 1872; relieved September 10, 1875, and deposited the balance, \$3,073.13, due on December 24, 1875. Was ordered to the U. S. S. *Ajax* and *Monitors* on January 6, 1876; relieved May 10, 1876, and deposited balance due, \$1,032.32, on July 31, 1876. Was ordered to the navy-yard, Pensacola, Fla., March 23, 1878; relieved March 31, 1881, and deposited balance due of \$9,554.39 on April 11, 1881. Was ordered to the U. S. S. *Essex* October 28, 1881; relieved January 15, 1885, and deposited balances due as follows: January 17, 1885, \$7,262.52; March 11, 1885, \$6,348.78.

Very respectfully,

C. M. SHELLEY, Auditor.
W. M. GAULT,

Passed Assistant Paymaster, U. S. N., and Recorder.

Hon. WM. C. WHITNEY,
Secretary of the Navy.

NAVY PAY OFFICE,
New York, January 24, 1887.

DEAR SIR: In reply to your request of this date asking me to state my opinion of your official conduct during the period we served together on the Asiatic Station, I have to say that to the best of my knowledge your duties were performed in a creditable and satisfactory manner, and that in an official relation I never knew of anything that reflected in any way on your character as an officer and gentleman.

Very truly yours,

EDWIN STEWART,
Pay Inspector, U. S. N.

P. A. Paymaster L. A. YORKE, U. S. N.

U. S. S. ESSEX (THIRD RATE).
Navy-Yard, Brooklyn, January 14, 1885.

SIR: P. A. Paymaster Louis A. Yorke has served under my command in this ship since November 12, 1881. His duties have been efficiently performed and his conduct at all times good.

I am, sir, very respectfully, your obedient servant,

A. H. McCORMACK,
Commander U. S. N., Commanding.

Hon. Wm. E. CHANDLER,
Secretary of Navy.

COMMANDANT'S OFFICE, NEW YORK NAVY-YARD.

Forwarded January 16, 1885.

R. CHANDLER, Commodore, Commandant.

U. S. S. YANTIC (3D RATE),
Yokohama, Japan, July 28, 1875.

SIR: In compliance with the provision in article 908, Navy Regulations, it affords me pleasure to be able to testify to the good conduct, character, and gentlemanly deportment of Assistant Paymaster L. A. Yorke, while serving under my command for the period of three months.

I am, sir, very respectfully, your obedient servant,

F. B. McNAIR,
Commander, Commanding.

Hon. GEORGE M. ROBESON,
Secretary of Navy, Washington, D. C.

Copy from the records of the Navy Department, December 16, 1886.

JNO. W. HOGG, Chief Clerk.

U. S. S. YANTIC (3D RATE),
Hongkong, China, February 27, 1875.

SIR: Agreeably to paragraph 811, Naval Regulations, I would beg leave to report to the Department that Assistant Paymaster Louis A. Yorke, U. S. N., has served with me on board this vessel, and it gives me great pleasure to be able to bear testimony to his zeal and qualifications, and also to his gentlemanly deportment and unquestionable moral character.

Very respectfully,

R. F. R. LEWIS,
Commander, U. S. N.

Hon. G. M. ROBESON,
Secretary of Navy, Washington, D. C.

Copy from the records of the Navy Department, December 16, 1886.

JNO. W. HOGG, Chief Clerk.

U. S. IRONCLAD AJAX (4TH RATE),
Off Port Royal, S. C., May 22, 1876.

SIR: In accordance with regulations, I send my letter in regard to Assistant Paymaster L. A. York, detached from this vessel and expecting soon to undergo the usual examination before promotion.

I have found him energetic and attentive to all his duties, performing them well; in addition, I have found him to be a gentleman whose mental culture will always, I believe, cause his acquaintances to find in him a pleasant companion, especially in our naval circles.

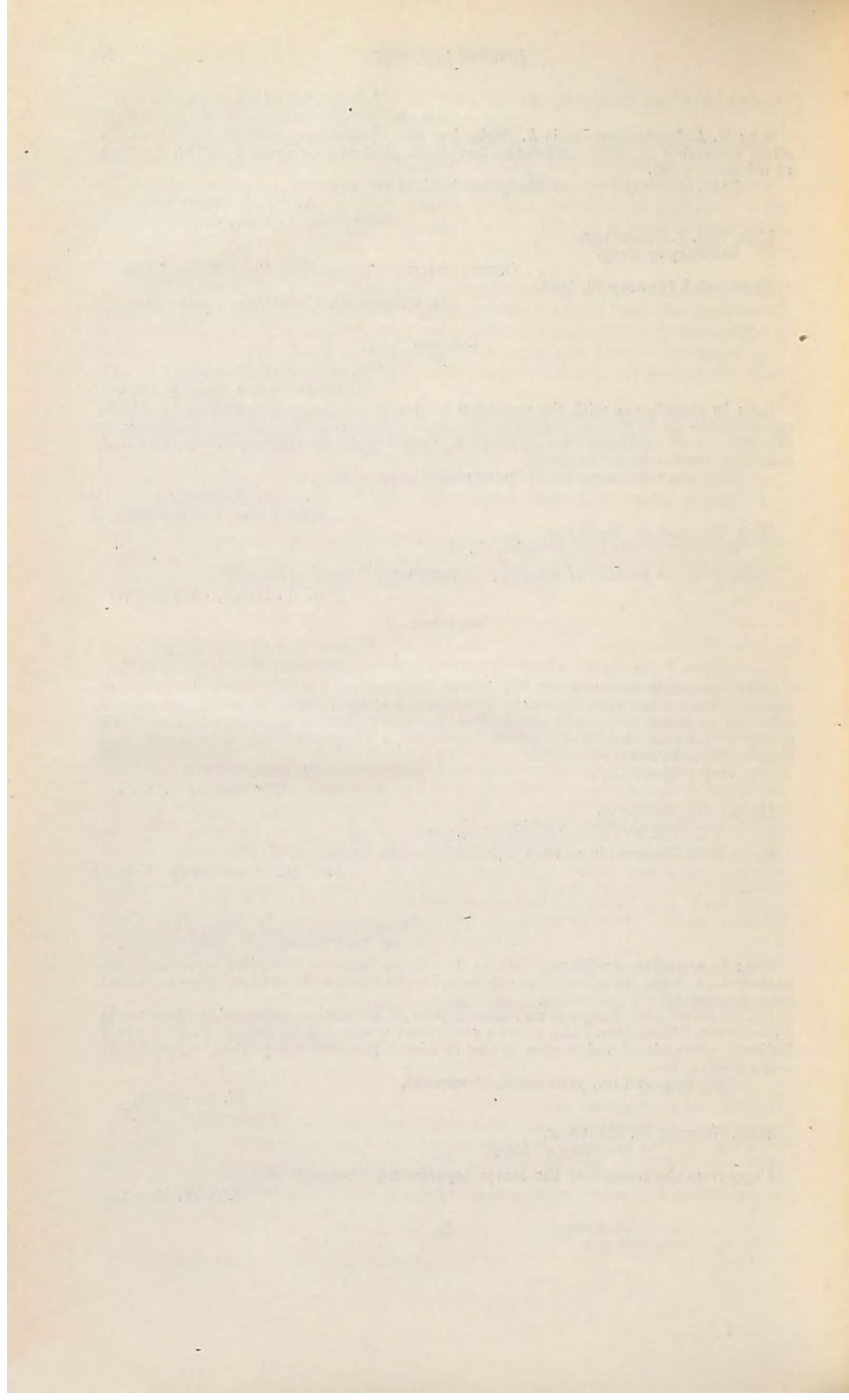
Very respectfully, your obedient servant,

S. H. EASTMAN,
Commander, U. S. N.

Hon. GEORGE M. ROBESON,
Secretary of Navy.

Copy from the records of the Navy Department, December 16, 1886.

JNO. W. HOGG.



RAVENSWORTH ESTATE.

JANUARY 12, 1898.—Ordered to be printed.

Mr. RAWLINS, from the Committee on Claims, submitted the following

ADVERSE REPORT.

[To accompany S. 1007.]

The Committee on Claims, to whom was referred the matter of the claim against the United States for wood cut and taken by the military authorities of the United States from the lands known as the "Ravenworth estate," situated in the State of Virginia, respectfully report:

Mrs. Anna Maria Fitzhugh was, during the time the wood was taken, and until the time of her death in 1872, the tenant for life of said lands, consisting of about 8,000 acres. During the years from 1862 to 1865, inclusive, there was cut and taken away from said lands, under the authority of Col. Elias M. Greene, Chief Quartermaster of the Department at Washington, and Col. M. J. Ludington, his successor as such quartermaster, mostly by permission of Mrs. Fitzhugh, the life tenant, 108,618 cords of wood, of the value of \$217,236.

During the time the said wood was being taken, and subsequently, the owner of the remainder of the said "Ravenworth estate" was Mrs. Mary Ann Randolph Custis Lee, wife of Gen. Robert E. Lee. Mrs. Lee died on the — day of —, 18—; but whether intestate, and if so, who were her heirs, does not appear.

Mrs. Fitzhugh, the life tenant, was, during the war, loyal to the United States. Mrs. Lee was not. According to the provisions of the Bowman Act, and the settled policy of the United States, the Government refuses to recognize its liability for injuries such as those complained of in this case, except to persons who are able to establish their loyalty during the civil war.

When this case was before the Court of Claims the claimants were the executors of Anna Maria Fitzhugh. The owners of the remainder did not appear.

Mrs. Fitzhugh, as tenant for life, had the right to take wood from the land for fuel, fences, agricultural erections, and other necessary improvement, but she had no authority to suffer such wood to be cut and taken away, as appears to have been done in this case. (4 Kent's Comm., p. 73.) Both she and the persons who cut and took away the wood thereby became immediately liable for damages, measured by

the value of the wood taken, to Mrs. Lee, the owner of the estate in remainder. (4 Kent's Comm., p. 78.) This right of action in Mrs. Lee vested immediately upon the commission of the waste. If Mrs. Fitzhugh had any right of recovery for this wood, it was in reality as trustee for the use and benefit of the tenant in remainder, or if she had any interest in her own right in the wood taken there has been no showing whatever as to the value of that interest.

For the foregoing reasons your committee report adversely on any claim made by those claiming under or through Mrs. Fitzhugh.

As Mrs. Lee, who was the tenant in remainder, is dead, no allowance can be made to her. Whom she left, either as heirs or devisees, does not appear, nor is it important to inquire in view of the conclusion, for both Mrs. Lee and those claiming under her are shut out on account of her disloyalty. It has been contended that loyalty is only required of the person in whom the right originally accrued, and that the claim in this case is derived through Mrs. Fitzhugh, who was loyal. But, as already shown in this case, the right, if any, was original in Mrs. Lee to obtain damages for the timber taken. The latter's right was original, and not derivative. Again, it has been contended that full pardon and general amnesty, including Mrs. Lee, was granted by the President on the fourth day of July, 1868, and that this had the effect of wiping out and removing every stain or condition of disloyalty.

But the so-called Bowman Act was not passed till March 3, 1883, long after the general pardon, and obviously intended to make the fact of loyalty, regardless of such pardon, a jurisdictional prerequisite to any right of pecuniary relief against the Government.

Your committee, therefore, report adversely, both against those who claim under or through Mrs. Fitzhugh and those who may claim under or through Mrs. Lee.



WASHINGTON AQUEDUCT TUNNEL.

JANUARY 12, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 918.]

The Committee on the District of Columbia, to whom was referred the bill (S. 918) to authorize the completion of the Washington Aqueduct Tunnel, and for other purposes, after careful consideration, have suggested certain amendments to the bill, and recommend its passage as amended.

The subject of increasing the water supply of Washington has been before Congress for several sessions, and the necessity for the legislation has been repeatedly urged by the War Department, by the Commissioners of the District of Columbia, and by the citizens generally. The question of utilizing the Lydecker tunnel, so called, was made the subject of an investigation by a board of experts appointed by the Secretary of War, who have reported in favor of the completion of the tunnel. The report of the Chief of Engineers of the Army on the bill now under consideration is given herewith.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., May 20, 1897.

SIR: I have the honor to return herewith S. 918, Fifty-fifth Congress, first session, "A bill to authorize the completion of the Washington Aqueduct Tunnel, and for other purposes."

The Senate Committee on the District of Columbia has asked the views of the War Department on this bill, and, in reply to its reference to this office, I beg to recommend the following amendments:

I line 5, after the word "accessories," insert "and."

In lines 20, 21, 25, 26, and 27, change the words "two hundred and sixty-six thousand seven hundred and forty-six dollars and thirty-eight cents" to "two hundred and ninety-three thousand eight hundred and eighty-two dollars and seventy cents."

The reason for this amendment is that the total balance remaining unexpended from the appropriations made by the act of July 15, 1882, and by subsequent acts

for the purpose of increasing the water supply of Washington, is \$293,882.70, instead of \$266,746.38, as stated in the bill. The amount is made up of the following items:

Balance from various appropriations under act of July 15, 1882, and subsequent acts.....	\$265,946.38
Balance turned into the United States Treasury, January 30, 1897, from allotment under act of March 2, 1895, for testing the tunnel conduit..	6,448.49
Balance turned into the United States Treasury, January 30, 1897, from allotment under act of March 2, 1895, for "Report, etc., upon water supply"	1,448.63
Balance undrawn in Treasury from amount allotted under act of March 2, 1895, for "Raising the height of the dam at Great Falls" (which balance will not be drawn, as the work of raising the dams has been completed)	19,999.20
Total	293,882.70

I see no reason why this whole amount should not be made available for the completion of the tunnel, and I beg to say that in my opinion the passage of the bill, amended as suggested, is highly desirable in the interest of an increased water supply for the national capital.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. R. A. ALGER,
Secretary of War.

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WIDENING AQUEDUCT BRIDGE.

JANUARY 12, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia,
submitted the following

ADVERSE REPORT.

[To accompany S. 2401.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2401) "To provide for widening the Aqueduct Bridge and laying thereon a single-track railway, and for other purposes," make an adverse report thereon.

There is no question in the minds of the committee that some means should be provided for street cars on the Aqueduct Bridge. The bridge, however, in its present condition, is not suitable for occupation by rapid-transit railway. The plan proposed in the bill of widening the bridge is unsatisfactory, for the reason that it involves a very considerable outlay which will practically be thrown away when the bridge is rebuilt, as it soon must be, in order to accommodate the travel. What is needed is a new and suitable bridge across the Potomac to take the place of the present Aqueduct Bridge. When such a bridge is built it should be provided with an underground system of transit to correspond with the underground system in use in the city of Washington, and all street railroads reaching the bridge should have equal facilities for crossing. The bill was submitted to the War Department, and the reports of the Chief of Engineers and of Colonel Allen are given herewith.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, December 3, 1897.

SIR: I have the honor to return herewith Senate bill No. 2401, Fifty-fifth Congress, first session, "To provide for widening the Aqueduct Bridge and laying thereon a single-track street railway, and for other purposes," which has been referred to the War Department by the Senate Committee on the District of Columbia for examination and report.

It is proposed by the bill to authorize the widening of the superstructure of the bridge and the laying of a single track thereon in accordance with a specified plan approved by the Commissioners of the District of Columbia. It is further provided that before this work is begun the Secretary of War shall cause to be made a careful

examination of the bridge, including its abutments, with a view to determining what, if any, repairs are necessary to be made of the same to permit the aforesaid plan of the Commissioners to be executed; and to pay the expenses of such examination it is provided that the several street railway companies named in the bill shall deposit the sum of \$1,000 in the Treasury of the United States.

It is presumed that the above provisions are the only ones regarding which the views of the War Department are desired, as the bridge is under the jurisdiction of the District Commissioners, and the propriety or advisability of permitting it to be used for street-car traffic is a question with which they are directly concerned.

A copy of this bill was referred to Lieut. Col. Charles J. Allen, Corps of Engineers, who has given careful study to the aforesaid provisions, and embodied his conclusions in a report dated the 23d of October, 1897, to which attention is respectfully invited.

For reasons clearly stated in his report Colonel Allen reaches the conclusion that the plan and project proposed by the Commissioners mentioned in section 1 of the bill is of questionable feasibility, and that its adoption would not be advisable.

Regarding the examination of the bridge and its abutments, provided for in section 2, the knowledge gained in repairing portions of the substructure in recent years convinces him that a proper and thorough examination of the piers can not be made for the sum named in the bill, \$1,000.

I concur in the conclusions of Colonel Allen, and as these conclusions are unfavorable to the essential objects of the bill I am unable to recommend affirmative action by Congress.

As a further reason for recommending unfavorable action on this bill, I would present the desirability of taking under consideration the entire reconstruction of the bridge. It is assumed that future requirements will necessitate thorough repairs of the present piers and superstructure of the bridge, which will be expensive, and the thought suggests itself that the reconstruction of superstructure, the lengthening of spans, and the abandonment of some or all of the present piers may be found to be desirable and in the interest of economy.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. R. A. ALGER, *Secretary of War.*

UNITED STATES ENGINEER OFFICE,
Washington, D. C., October 23, 1897.

GENERAL: I have the honor to submit the following upon Senate bill No. 2401, Fifty-fifth Congress, first session, referred to me for early report by letter of the Acting Chief of Engineers, July 23, 1897.

The bill, consisting of eight sections, provides for widening the Aqueduct Bridge and laying thereon a single-track street railway, and for other work.

Section 1 authorizes the Commissioners of the District of Columbia to widen the superstructure of the Aqueduct Bridge and to lay a single track thereon in accordance with a plan "approved by them July —, eighteen hundred and ninety-seven," on file in the office of the Engineer Commissioner of said District, for the use of street railways terminating at the south end of the bridge.

Section 2 is as follows:

"SEC. 2. That before such work of construction is begun the Secretary of War is authorized and directed to have made a careful examination of said bridge, including its abutments, with a view to determining what, if any, repairs are necessary to be made of the same to permit the above-named plan to be executed; and the Washington, Alexandria and Mount Vernon Electric Railway Company, and the Washington, Arlington and Falls Church Railway Company, or either of them, shall, within ninety days after the approval of this act, deposit in the Treasury of the United States the sum of one thousand dollars to cover the expenses of said examination. The Secretary of War is further authorized and directed to prepare, in connection with said examination, an estimate of the cost of said repairs to the substructure of the bridge, if any be found necessary. The cost of said repairs to the substructure, as estimated above, and the cost of the necessary changes and additions to the superstructure of the bridge, and of the track and other appurtenances of a street railway, as estimated by the Commissioners of the District of Columbia, shall be paid into the Treasury of the United States by either or both of the above-named railway companies; and upon such deposit being made, the work of repairing the substructure shall be executed under the direction of the Secretary of War, and the construction authorized in section one executed under the direction of the Commissioners of the District of Columbia, and the cost paid from said

deposits; any unexpended balance of the deposits herein named remaining at the conclusion of the work to be returned to the parties making the same: *Provided*, That the work authorized to be done by the said Commissioners may be executed by day labor or by contract, in their discretion."

In order to report upon section 2 it was considered necessary to have, for reference, the plan for widening the superstructure and for laying a track thereon as provided for in section 1 of the bill, and an application for the plan, or a copy of the same, was made to the Chief of Engineers under date of July 28, 1897. A tracing of the plan was received by this office on August 17. In order to arrive at the effect of the proposed change in the superstructure, considerable calculation and computation were necessary, and these were made as opportunity offered. Hence the length of time taken to render this report.

Recurring to the bridge: In accordance with a resolution of the Senate of January 21, 1893, an examination of the piers and abutments of the Aqueduct Bridge was made in May, 1893, the results of which examination, made by a diver, are stated in detail in the Report of the Chief of Engineers for 1895, pages 4085-4090. In brief, it may be said that the abutments were found in good condition, but all the piers except pier No. 1 were found in need of repair. Pier No. 1 had been undermined by the great freshet of June, 1889, and, as I have been informed, was gradually toppling over, when it was repaired under the direction of the District Commissioners, by means of concrete in bags, and the movement of the pier thus arrested. Riprap was then placed about the pier. This riprap prevented a complete examination of the pier in 1893, but so far as could be ascertained the pier was then in good condition.

Piers Nos. 2, 3, 5, 6, 7, and 8 were found to contain small cavities and minor defects and to be in need of slight repair. Pier No. 4, however, was found to have been seriously eroded at the west end, where, under the ice breaker, a cavity was found extending entirely across the pier, with a height of about 16 feet and a length, measured parallel to the pier, of from 7 to 11 feet. A large tree was found at the bottom lying across the end of the pier, and which was probably a factor in the initial erosion. The eroded cavity had caused a settlement of the west half of the pier, and a nearly vertical crack had developed at its middle. The estimated cost of repairing the piers was \$51,070, and this amount was appropriated by Congress for this purpose August 7, 1894. The repairs were commenced in 1894 and completed in August, 1895. Piers Nos. 2, 3, 5, 6, 7, and 8 were repaired by means of Portland cement concrete in bags placed by a diver, and the upstream ends then protected by riprap. For the extensive repairs needed at pier No. 4 a cofferdam was required. When this cofferdam had been built and pumped out and the débris removed from the cavity, thus revealing a cross section of the original masonry of the pier, it was found that the old masonry had not been started on the solid rock, but upon riprap stone, apparently thrown in without removing the débris on the rock.

Layers of sand and mud were found under the lowest of the old braces of the cofferdam, and an old tree was found lying on the rock and extending diagonally under the masonry of the pier, and which must have been there before the pier was built. For a height of 12 feet above this very insecure foundation the masonry was of the poorest possible quality, the stones having apparently been put in place as they came from the quarry, without the slightest regard to bed. So poor was the character of the foundation and masonry of the pier below water level that reconstruction of the entire pier was regarded as absolutely necessary, and estimates for the same were submitted to the Department November 30, 1895. In the meantime the eroded part of pier No. 4 had been rebuilt, from the rock bed of the river, with heavy substantial masonry, laid in Portland cement mortar, and upon the completion of the contract the cofferdam was purchased from the contractors for use in rebuilding the remainder of the pier should Congress order it to be reconstructed. On June 8, 1896, Congress made an appropriation of \$65,000 for the reconstruction of pier No. 4, and as follows:

"Repair to Aqueduct Bridge: For reconstruction of pier numbered four of the Aqueduct Bridge across the Potomac River at Georgetown, District of Columbia, to be available until expended, sixty-five thousand dollars."

A contract for the reconstruction of the pier was made May 17, 1897, and that work is now in progress.

From the above account of the examinations and repairs to the piers of this bridge it will be evident that the character of the substructure and foundations of these piers is a matter for serious consideration. As pier No. 4 was found to have an insecure foundation and to be built, below water line, of a poor quality of masonry, and as pier No. 1 had been similarly eroded by a freshet and was gradually settling over to the northwest and would probably have fallen had not the repairs arrested its movement, it is natural that a question should present itself as to the degree of dependence to be placed upon the other piers should the load, especially the live load, upon them be materially increased.

The riprap placed at the upper ends of the piers in 1894 to protect the bases of the ice breakers against the action of the current may serve its purpose for a longer or shorter period of time. But the important question remains: Is it advisable to materially increase the load on these piers, as they now are, or even if they should be repaired in accordance with information obtained from examination by a diver?

The bases of the piers are of such magnitude that, if properly founded and built, the piers should be capable of sustaining a very much greater load than they now bear. But at present the full details of their condition are unknown.

An examination of these piers by a diver would necessarily be through the sense of feeling, and would reveal only in a general way the condition of the exterior faces of the masonry below water. The diver is able to detect cavities in the faces of the masonry when they exist, but this is substantially the limit of the information to be obtained by such an examination. The condition of the masonry in the base of the pier and the condition of the foundation would still remain unknown. Examination by means of cofferdams would afford a much greater amount of information, but such examination would be attended by great expense.

The sum of \$1,000 provided in the bill for the cost of careful examination of the bridge, including its abutments, with a view to determining what, if any, repairs may be necessary to the bridge, appears to be too small for the purpose. At any rate it would be prudent not to limit the sum to \$1,000.

While considering section 2 it is as well to note its provision that the work authorized to be done by the said Commissioners may be executed by day labor or by contract, in their discretion. Such provision should, in my judgment, be extended to cover the operations that the bill contemplates for the War Department in case that Department should undertake such operations.

It will be observed that the construction authorized in section No. 1, viz, the widening the superstructure and laying the track thereon, is to be done by the Commissioners of the District of Columbia, while the examination of the bridge, including its abutments (the entire bridge), is to be made under the orders of the Secretary of War, under whose direction the work of repairing the substructure (abutments and piers) is to be executed.

The present superstructure was built by the Engineer Department under an appropriation made by act of Congress of June 21, 1886. It was completed in 1888.

The act approved July 18, 1888, entitled "An act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1889," contained the following item: "For construction and repairs of bridges, including retaining wall on M street at the approach to the new free bridge across the Potomac, which bridge is hereby placed under the jurisdiction of the Commissioners of the District of Columbia." * * *

In accordance with that act the Aqueduct Bridge, when completed, was transferred to the custody of the Commissioners of the District of Columbia. The transfer was made September 15, 1888.

For convenience of reference the resolution of the Senate, in accordance with which the examination in the spring of 1893 was made, and the estimate of cost of July 17, 1893, as submitted by the engineer officer to whom the examination was assigned, is here quoted.

RESOLUTION.

IN THE SENATE OF THE UNITED STATES,
January 21, 1893.

Resolution instructing the Secretary of War to cause an examination to be made of the piers of the Aqueduct Bridge, and the District Commissioners to furnish a statement of expenditures on account of said bridge since it became the joint property of the United States and the District of Columbia.

Whereas by the annual report of the Commissioners of the District of Columbia for the year ending June thirtieth, eighteen hundred and eighty-nine, it is made to appear that the masonry composing the piers of the Aqueduct Bridge was largely in need of repair, and at least one of the piers thereof had settled four inches to the north, and large cavities caused by erosion existed in more than one of said piers, and that a large sum of money was expended in the repair of the same: Therefore,

Resolved, That the Secretary of War is hereby authorized and directed to cause to be made a thorough examination of the piers of said bridge by some competent officer of the Engineer Corps of the United States Army, and report to Congress at an early day.

First. If any one of said piers of said bridge has so settled as to be out of plumb; and if so, which way it leans.

Second. What cavities, if any, exist in any of the piers of said bridge requiring repairs or in any way impairing the supporting capacity of said piers, or either of them, making specific report of defects, if any, in each pier.

Third. That he transmit a copy of the report of the officer of the Engineer Corps charged with the duty of constructing the piers of the said bridge, showing as minutely as may be the plans and processes used in the construction thereof.

And be it further resolved, That the Commissioners of the District of Columbia be required to transmit to Congress a detailed report of any and all expenses incurred in the repair of the piers of said bridge since the same became the joint property of the United States and the District of Columbia, and by whom said repairs, if any, were made, and under whose direction or supervision the same were made, and, as fully as may be practicable, a detailed account of the work of making the same, and a copy of the report of any officer of the District or employee thereof engaged in the said work or upon any part thereof, including a statement as to whether the said Commissioners have ever caused either or all of the piers of said bridge to be tested with plumb and level or any other suitable instrument to see if either or all of them are out of plumb; and if so, the result of such examination.

Attest:

ANSON G. MCCOOK, *Secretary.*

The act of Congress, August 7, 1894, contained an appropriation for repairs to the piers as follows:

"For the repair of the Aqueduct Bridge, fifty-one thousand and seventy dollars, said sum to be expended by and the work to be done under the direction of the Chief of Engineers of the Army, by contract or otherwise, and by the purchase of material in open market in order to prevent delay in the prosecution of the work."

This was to be expended under the War Department.

The necessary portion of that appropriation was expended upon the repairs; the remainder reverted to the United States Treasury.

Congress, by act of June 8, 1896, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for prior years, and for other purposes," appropriated the sum of \$65,000 "for reconstruction of pier numbered four of the Aqueduct Bridge across the Potomac River at Georgetown, District of Columbia, to be available until expended." This to be expended under the War Department.

The work for reconstruction of that pier, under the foregoing appropriation, is now in progress.

From a consideration of the act of July 18, 1888, of the resolution of the Senate, 1893, and of the acts of Congress of August 7, 1894, and of June 8, 1896, and of the work done under those acts, it would appear that only the work on pier No. 4 was under the present control of the War Department, and that the other piers reverted to the control of the District Commissioners as soon as the repairs upon them were completed; in fine, that the Commissioners of the District of Columbia have to-day the control over the entire Aqueduct Bridge, superstructure and substructure, excepting over pier No. 4, the control over which is temporarily in the War Department.

A question then is suggested, viz: Would not the examination of the entire bridge and repairs of the piers (pier No. 4 excepted, at present, as it is under reconstruction by the War Department) pertain to the District Commissioners?

The following notes upon the superstructure are based upon a report by an assistant engineer:

The plan approved by the Commissioners for widening the superstructure of the bridge, referred to in section 1 of the bill, provides, as shown on the tracing transmitted to the Chief of Engineers under date of August 12, 1897, for retaining the existing trusses in their present positions on the piers, lengthening the floor beams so as to provide for a roadway 24 feet wide, a railway track 9 feet wide, and two sidewalks each 5½ feet wide, a total of 44 feet, by increasing the length of the cantilevers of the floor beams. The wooden floor for the roadway and sidewalks is retained as in the present construction. The railway track is centered over the east truss of the bridge, so that this truss will carry much the greater part of the live load of the railway. The overhang at each truss will be about 10 feet.

The length of pier shown on the cross section in the tracing is about 31½ feet under the coping, but the actual length under coping of the small piers is about 42½ feet, including the semicircular ends, the rectangular portion of the pier directly under the coping being about 35 feet in length. The length is correctly shown on the general plan of the bridge on the above-named tracing, the cross sections on the same tracing having probably been copied from an old blue print furnished by the contractors who built the superstructure about 1888, and which is incorrect in this matter of the length of the piers. It may therefore have been assumed that it was impracticable to separate the trusses on the piers any farther than at present and that the long cantilever extension of the floor beams was necessary as the only means of providing the additional width for the railway track. There is space, however, for moving the present trusses on the piers so that they will be 32 feet apart on centers instead of 23 feet 7 inches, as at present, and to allow of introduc-

ing a third truss between them. The arrangement proposed in the bill and shown on the District Commissioners' plan, in which the floor beams overhang about 10 feet on each side, would probably cause considerable vibration of the floor system under traffic, which could be obviated by the use of an additional truss.

The position of the track for the electric railway proposed in the plan approved by the District Commissioners brings, as already said, nearly all of the live load of the electric cars on the east truss. The letter of the Commissioners accompanying the bill gives the assumed live load for the railway as a "motor car weighing, with its load of passengers, 27 tons on trucks 20 feet apart." The bill provides that the bridge may be used by either the Washington, Alexandria and Mount Vernon Electric Railway Company or by the Washington, Arlington and Falls Church Railway Company. The former company usually runs on its main line a train of two cars—a motor car and a trailer. The motor cars are 42 feet long, with a wheel base of 23.3 feet, carrying a maximum load estimated at 50,000 pounds. The trailers are 41 feet long, with a wheel base (between centers of trucks) of 23.3 feet, carrying an estimated maximum load of 34,000 pounds. Motor cars are sometimes disabled, requiring the attachment to the train of a second motor car, so that the live load on the railway track might be, on holidays and occasions of heavy travel, two motor cars and one trailer crowded with passengers. The length of this train would be about 125 feet, and its weight 134,000 pounds. The letter of the District Commissioners assumes, however, as stated, a somewhat heavier motor car, weighing 27 tons.

A train of two 27-ton motor cars and a trailer, all loaded to the maximum, gives a load of about $13\frac{1}{2}$ tons for each panel point. In addition to this, the live load on the roadway and sidewalks is to be taken at 100 pounds per square foot. This load, together with that of the structure, is found to bring strains on the tension members of the east truss ranging from 13,500 pounds per square inch to 14,700 pounds per square inch, whereas these members were designed to carry only 10,000 pounds per square inch. The bridge is now nine years old, and while it is not known that the iron has deteriorated in quality under the almost constant daily jar and vibration due to travel on the bridge, its quality has not improved. It is believed that the increase in the working unit strains on some of the iron, which would result from the adoption of the present proposed plan approved by the Commissioners, would not be advisable.

The advantage and convenience that would result to a large portion of the public from uninterrupted transit at the bridge is fully understood and appreciated at this office, but in view of the foregoing, the feasibility of the project and plan considered in the bill and delineated on the tracing appears, at the least, questionable.

A copy of Senate bill No. 2401 is herewith respectfully returned. There are no amendments suggested to the bill, as it is believed that it should not become a law. The report of the Commissioners of the District of Columbia, July 12, 1897, is also herewith returned.

Very respectfully, your obedient servant,

CHAS. J. ALLEN,
Lieutenant-Colonel, Corps of Engineers.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, U. S. A., Washington, D. C.

LIEUT. HENRY C. KEENE.

JANUARY 12, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Naval Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 114.]

The Committee on Naval Affairs, to whom was referred the bill (S. 114) "To place Lieut. Henry C. Keene, United States Navy, retired, on the retired list of the United States Navy with the rank of lieutenant-commander," make an adverse report on the same.

The bill was referred to the Secretary of the Navy for examination and report. The Secretary reports adversely to the measure, as follows:

NAVY DEPARTMENT,
Washington, January 8, 1898.

SIR: Referring to your communication of the 16th ultimo, the receipt of which was acknowledged on the 3d instant, inclosing copy of bill (S. 114) "to place Lieut. Henry C. Keene, United States Navy, retired, on the retired list of the United States Navy with the rank of lieutenant-commander," requesting a report from the Department as to the merits thereof, I have the honor to state that, in view of the express provision contained in the act of Congress, approved August 5, 1882, prohibiting promotion or increase of pay in the retired list of the Navy, the Department does not deem it advisable, as a general rule, to recommend that action of the character contemplated by the bill in question be taken.

In the case under consideration it appears that Lieutenant Keene has already been a beneficiary of Congressional action, having been transferred from the volunteer to the regular Navy, and retired in pursuance of a joint resolution, approved March 3, 1871, and, while appreciating the value of the services rendered by this officer, the Department is not informed that his case is of such a nature as to warrant a departure from the provisions of the law above mentioned.

Referring to the statement contained in your communication, that at the time Lieutenant Keene was placed on the retired list it was, as it has since been, customary to retire an officer with the grade next above that which he was holding at the time of his retirement, I have to state that I am not aware of any law in force at that time, or at any time, which provided for the retirement of an officer of the Navy with the grade next above that which he was holding at the time of his retirement.

Very respectfully,

Hon. JAMES McMILLAN,
United States Senate.

JOHN D. LONG, *Secretary.*

C. WRIGHT GEDDES.

JANUARY 12, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Naval Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 2134.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2134) for the relief of C. Wright Geddes, late a first assistant engineer in the United States Navy, after careful consideration, makes an adverse report upon the same.

It appears from the petition of Mr. Geddes that during the Mexican war he served on board the U. S. S. *General Taylor*, a tender for the home squadron, from November 20, 1847, to July 3, 1848, and that he had other duties in connection with the Bureau of Steam Engineering in the Navy Department and the Coast Survey until 1855, when he resigned. The ground on which Mr. Geddes asks for reinstatement in the Navy is that while he was stationed at Richmond, Va., he contracted malarial fever, from which he had not recovered sufficiently to allow him to endure sea duty in September, 1855, and when the Department insisted that he go to sea he resigned. Subsequently the Secretary of the Navy ordered Mr. Geddes before a board for examination and as a result he was reappointed to the Navy in one grade lower than that from which he resigned. He therefore declined to accept reappointment, and has not since then been connected with the service.

It would appear that during the years from 1861 to 1865, when the United States had need of every man who was qualified to serve in the Navy, Mr. Geddes did not offer his services to the Government, although within two years before the outbreak of the war an examining board had found him competent to fill an engineer's place. In view of these facts, in the opinion of the committee, Mr. Geddes should not be reappointed and placed upon the retired list. The bill was submitted to the Navy Department, and the Secretary of the Navy reports that the Department perceives no reason for the passage of the bill for the relief of Mr. Geddes, and does not, therefore, recommend the same to the favorable consideration of the committee. Mr. Geddes's petition and the report of the Department are given below.

PETITION.

To the Senate and House of Representatives in Congress assembled :

The undersigned respectfully represents that he was appointed from Maryland a third assistant engineer in the United States Navy November 15, 1847; promoted to second assistant January 11, 1849, and subsequently to first assistant, to date February 26, 1851, and that he resigned September 5, 1855; was reappointed to second assistant August 27, 1859, and declined appointment August 31 of the same month.

Service.—He was stationed at the Pensacola Navy-Yard, Florida (serving on board the U. S. S. *General Taylor*, a tender for the home squadron in the Mexican war), from November 20, 1847, to July 3, 1848; in the Bureau of Steam Engineering, Navy Department, Washington, D. C., to May 18, 1849; on the U. S. S. *Mississippi* (on sea duty) to November 14, 1851; in the Bureau of Steam Engineering, Navy Department (on leave March 15 to June 15, 1853), to November 1853; on sea duty in Coast Survey (on leave September 7 to December 7, 1854) to December 13, 1854; at Richmond, Va., to June 7, 1855; on furlough to September 4, 1855, when he resigned.

Your petitioner further represents that while stationed at Richmond, Va., his duties required his presence daily at the Tredegar Iron Works, situated on the banks of the James River, in a malarial section of the city, and that while in the performance of his duties he contracted malarial fever, which so enfeebled your petitioner that he became unable to perform his duties, and in consequence was placed on sick furlough from June 7 to September 4, 1855; that, notwithstanding the continued enfeebled condition of your petitioner, he was, September 4, 1855, ordered to report on board the U. S. S. *San Jacinto* for sea duty, but, his physician advising him that it would be a great risk for your petitioner, on account of his feeble health, to go to sea at that time, he verbally, yet respectfully, begged the Chief of the Engineer Bureau to suspend sea orders until your petitioner became better able to stand the strain of sea service, but it was insisted that the order must be obeyed, leaving your petitioner one of two alternatives, namely, either to risk his life unnecessarily or resign from the service. Your petitioner, having others depending upon him for support, was forced to adopt the latter alternative, and resigned on the day and date above stated.

In this connection your petitioner begs to invite the attention of your honorable body to the fact, that subsequently the subject was brought to the attention of the honorable the Secretary of the Navy, who, upon investigation, decided that your petitioner had been unjustly dealt with and contemplated his reappointment, but by the advice of the Chief of the Engineer Bureau he ordered your petitioner to appear before a board for examination, which resulted in a recommendation that your petitioner be reappointed, but in one grade lower than that from which he resigned. Upon this appointment, dated August 27, 1859, being received, your petitioner promptly declined to accept it for the reason that, to his mind, it failed to right the wrong from which he had suffered.

Your petitioner begs to add that there are precedents, too numerous to mention, in support of his plea for relief, but begs respectfully to invite attention to the case of W. W. Bassett, a graduate of the Naval Academy at Annapolis, who was dismissed as a master (in line of promotion) September 22, 1854, reappointed and retired June 8, 1872; also to that of Purser A. A. Belknap, dismissed August 2, 1865, action annulled and commissioned pay director March 3, 1871, and to the recent case of Commander John N. Quackenbush, for whose relief Congress recently passed Senate bill 3313.

In this connection attention is respectfully invited to the fact that two of these officers were graduates of the Naval Academy at Annapolis, having not only their education to fit them for their profession borne by the Government, but a liberal allowance provided for their maintenance, while your petitioner, to fit himself for examination as a naval engineer, was not only obliged to serve a long apprenticeship in engineer works, but to pay out of the small pittance he received for his labor such amount as was necessary to pay for his night schooling, so that he entered the service as an engineer without any previous expense to the Government, yet your petitioner considered the honor of the appointment in the Navy a sufficient promise of reward for his privations, expenses, and labor while preparing himself for the position he held; but instead of this promise materializing, your petitioner, by his forced resignation, was left to a certain extent unfitted to pursue other avocations for support, because the resignation entailed not only the loss of time (five years) devoted to the preparation for the duties in the Navy, but while there (eight years) he was necessarily separated from the influences and acquaintances which might otherwise have aided him to profit by his early studies.

To conclude, your petitioner begs to state that he has passed the age of three score years and ten, the time allotted to man, and trusts that in his old age, when his course is nearly run, your honorable body will right the great wrong done him and pass a bill restoring him to the Navy, with provision to place him on the retired list as a passed assistant engineer, as by act reorganizing the Engineer Corps of the

Navy, approved February 24, 1874, it is provided (with certain restrictions as to sea service) that first assistant engineers (the rank from which he resigned) shall have the same rank and grade as passed assistant engineers. And your petitioner will ever pray.

C. WRIGHT GEDDES,
Washington, D. C.

NAVY DEPARTMENT,
Washington, July 2, 1897.

SIR: Referring to bill (S. 2134) "for the relief of C. Wright Geddes, late a first assistant engineer in the United States Navy," and to the Committee's request, of the 13th ultimo, for the views of the Department in regard thereto, I have the honor to transmit herewith a copy of the record of service of Mr. Geddes as an officer of the Navy, from which it will be seen that on September 5, 1855, some years prior to the war, his resignation as a first assistant engineer was accepted; and that, although he was warranted a second assistant engineer from the 26th of August, 1859, he declined such appointment on the 31st day of that month.

The Department sees no reason for the passage of the bill for the relief of Mr. Geddes, and does not, therefore, recommend the same to the favorable consideration of the committee.

Very respectfully,

JOHN D. LONG,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

DEPARTMENT OF THE NAVY,
Washington, D. C., June 23, 1897.

Record of service of C. Wright Geddes in the United States Navy.

November 15, 1847, warranted a third assistant engineer; November 20, 1847, to the *General Taylor*; June 10, 1848, detached when successor reports and to office of engineer in chief; December 16, 1848, permit to be examined; January 11, 1849, promoted to second assistant engineer; March 3, warranted No. 2; April 12, 1849, detached from office of engineer in chief and to the *Mississippi*; November 12, 1851, detached and three months' leave; November 22, 1851, to examination; December 17, 1851, to engineer's office; November 9, 1852, warranted a first assistant engineer from February 26, 1851, to rank next after Henry H. Stewart; January 27, 1853, detached and to the *Powhatan*; February 2, 1853, previous order revoked, and remain in engineer's office; March 15, 1853, leave three months; May 18, 1853, to attend repairs to Coast Survey steamer *Legare*; November 12, 1853, to Coast Survey steamer *Legare*; August 26, 1854, detached and wait orders; September 7, 1854, leave three months; December 13, 1854, to Richmond, and report to Chief Engineer Wood for special duty; June 7, 1855, detached and furloughed till further orders; September 1, 1855, to the *San Jacinto*, 20th instant; September 5, 1855, resignation accepted; August 29, 1859, warranted a second assistant engineer, from August 26, 1859; August 31, 1859, appointment declined.

A. S. CROWNINSHIELD,
Chief of Bureau.

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CHARLES H. JOHNSON.

JANUARY 12, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 2751.]

The Committee on Pensions, to whom was referred the bill (S. 2751) granting an increase of pension to Charles H. Johnson, have examined the same, and report:

The facts in this case are as follows, as shown by the papers on file in the Pension Bureau:

This soldier served in Company E, First New Hampshire Volunteer Heavy Artillery, from September 2, 1864, to June 16, 1865. He is now pensioned at \$12 per month for left inguinal hernia and disease of eyes, under the act of June 27, 1890, said pension commencing July 19, 1890. He made application under the general law January 2, 1892, alleging weak eyes, ending in blindness. This claim was briefed for admission, and approved by the reviewer, but on rereview was sent to the special examination division for special examination as to origin and continuance of disease of eyes, on the following slip, dated May 12, 1894:

After a careful review of the evidence in this case, I believe that a special examination is warranted and necessary to determine definitely the origin of the alleged disease of eyes in the service, existence at discharge, and continuance to 1891.

Prior soundness should be inquired into, as also the habits of the claimant prior to his enlistment and service, and their relation, if any, to the present condition of his eyes.

While the claim is fairly established by comrades and lay testimony, there is no record nor medical evidence in service or since discharge until examined by the board of examining surgeons May 15, 1891, and claimant waited about twenty-seven years after discharge, and nearly two years after being pensioned under the act of 1890, before considering his disability pensionable under the general law. The highest rate of pension is probably involved.

The evidence on file shows conclusively and beyond the shadow of a doubt that claimant contracted a severe cold while in the service, and that this cold resulted in "night blindness" and eye trouble, which has continued up to the present time.

Claimant admitted to the special examiner that he "was slightly nearsighted before enlistment." He was, however, examined by the agents of the Government and accepted into the service. Because of this admission the claim was submitted by the special examiner for rejection, and was accordingly rejected without ever going to the medical division to determine whether the nearsightedness which existed before enlistment had or had not any connection with the claimant's present disability.

The claimant is shown to be totally blind, and has proved that his disease of eyes originated in the service, and he should be pensioned for it.

If it could be shown that congenital nearsightedness predisposes to structural disease of the eyes, resulting in blindness, the Government would have a good case, provided the doctrine of "prior unsoundness" is to be admitted as a sufficient cause for rejection. But in this case no medical opinion has been ventured on that point, and it is a well-known fact to the profession that nearsightedness can not be accepted as a cause for blindness. This soldier incurred the disability while in the Army, the proof being conclusive on that point, and there is every reason to believe that blindness is the direct result. Had the claim been allowed in the Pension Bureau, he would be receiving \$72 per month. This bill proposes to pension him at the rate of \$30 per month, and your committee recommend its passage, after being amended by inserting in line 6, after the word "First," the word "Regiment," and by substituting the words "Heavy Artillery," in line 7, for the words "Volunteer Infantry."



WILLIAM D. LAMB.

JANUARY 12, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions submitted the following

REPORT.

[To accompany S. 2728.]

The Committee on Pensions, to whom was referred the bill (S. 2728) granting a pension to William D. Lamb, have examined the same, and report:

The facts in this case are clearly set forth in the following letter from the claimant:

LAWRENCE, MASS., *November 11, 1897.*

MY DEAR SIR: In March, 1862, requisition was made by the Surgeon-General of the United States on the surgeon-general of Massachusetts, William J. Dale, for four surgeons, qualified from experience to have charge of hospitals. They were asked to report at once. I was selected as one of that number, and reported at Washington, D. C., accordingly. A contract was made, with rank of acting assistant surgeon of the United States Army. I was assigned in charge of the Mount Pleasant Hospital at Washington, with nine physicians and surgeons under me, remaining there for a month. Besides the service in Mount Pleasant Hospital, I commenced preparations on the barracks near Columbia College for another hospital.

On the 22d of May, 1862, I was assigned in charge of all the sick and wounded at Yorktown, Va., outside of the fort, from the time of the evacuation until the 1st of July, receiving the wounded from the battlefields of Williamsburg and other places on the Peninsula, and Seven Pines.

On May 12, 1864, I was assigned to Fredericksburg, Va., using as a hospital the buildings on the four corners of William and Mary streets, being four large warehouses. The above were places of service in the Army of the Potomac.

At Yorktown I had charge of about 1,500 sick and wounded soldiers, 40 physicians and surgeons being employed under me. This proved a very severe tax upon my capabilities. July 1 I was taken sick and left for home. On leaving Fortress Monroe for Baltimore by steamer I was seized with convulsions, remaining unconscious for several hours, and from that time was developed a most malignant bilious remittent fever. Arriving home, I placed myself under the care of Dr. John Homans, Dr. Calvin Ellis, and Dr. R. M. Hodge, three of the most distinguished physicians of Boston. For three months I was a very sick man, suffering great pain, and this sickness resulted in great pecuniary loss.

Of the 20 physicians who went out with me from Massachusetts more than half died of the same fever. The poison from malaria remained in my system, causing much suffering and inconvenience, resulting in erysipelas and rheumatism, which so reduced me that I was obliged to give up my practice more than sixteen years ago, since which time I have been unable to perform professional duties. With loss of

income from my practice, and other great losses, I find myself in my old age with insufficient income to meet present wants, and unable to make a change of climate, which would have a tendency to improve the condition of my health. For the above reasons I feel compelled to ask of my country aid at this time.

Very respectfully, yours,

WILLIAM D. LAMB.

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

This case is a very strong one, and in the opinion of your committee should be allowed. Claimant might have been pensioned from the date of his discharge, but he was then in good circumstances and too patriotic to ask help from the Government. He is now advanced in years, utterly broken in health, and without property. His services to the Government were of the greatest possible value, his skill as a surgeon and his executive abilities being of the highest order.

Your committee most cordially recommend the passage of the bill.

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J. A. McCREARY.

JANUARY 12, 1898.—Ordered to be printed.

Mr. PERKINS, from the Committee on Naval Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 1681.]

The Committee on Naval Affairs, to whom was referred the bill (S. 1681) for the relief of J. A. McCreary, of Emporia, Kans., having had the same under consideration, report it back adversely, and recommend that it do not pass.

A former report of the committee and a late communication from the Navy Department are made a part of this report.

[Senate Report No. 467, Fifty-fourth Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 1958) for the relief of J. A. McCreary, late of the United States Navy, having had the same under consideration, beg leave to make the following report:

The committee do not recommend the passage of the bill, for the reasons stated in the letter of the Acting Secretary of the Navy, as follows:

NAVY DEPARTMENT,
Washington, February 28, 1896.

SIR: Referring to Senate bill 1958, for the relief of J. A. McCreary, late of the United States Navy, I have the honor to inform you that, from the records of this Department, it appears that James A. McCreary was appointed an acting master's mate in the Navy on December 21, 1863; that he served on board the U. S. S. *Argosy* in the Mississippi squadron; and that he was honorably discharged from the naval service on November 4, 1865.

It appears from the records that two appointments were sent to McCreary, promoting him to the grade of acting ensign in the Navy, one signed by the then Secretary of the Navy, the other signed by the then Chief of the Bureau of Navigation, both being dated August 7, 1865. The appointment from the Chief of the Bureau of Navigation states that this promotion to acting ensign was to take effect from July 17, 1865, while the appointment signed by the Secretary of the Navy on the same date makes no mention as to the time of the commencement thereof.

The records of this Department further show that McCreary, under date of July 28, 1865, addressed a letter to Admiral S. P. Lee, United States Navy, in which he requested that, having been recommended for promotion by a board of examiners, he be appointed an acting ensign in the Navy, and inclosed a certificate dated July 17,

1865, by Acting Master John C. Morong and Arthur B. Homer, United States Navy, to the effect that he had passed a satisfactory examination before a board of examiners on board the *Ouachita*, March 16, 1865, of which they were members, and had been recommended for promotion to the rank of acting ensign.

The Auditor for the Navy Department informs this Department that, under date of April 12, 1866, the accounting officers allowed McCreary the difference between the pay of mate and that of ensign from July 17, 1865, to August 7, 1865, and that, consequently, if the proposed bill becomes a law McCreary will be entitled only to the difference between the pay of mate and ensign from March 16, 1865, to July 16, 1865, as follows:

Pay as acting ensign, at \$1,200 per annum, from March 16, 1865, to July 16, 1865	\$404. 39
Less pay as mate for same time	\$242. 00
Less internal-revenue tax	8. 12
	250. 12
Total	154. 27

In the opinion of the Department, inasmuch as it does not appear from the records that McCreary performed the duties of an acting ensign from March 16, 1865, to July 16, 1865, he does not seem to be legally entitled to the relief provided for in the within bill.

Very respectfully,

W. MCADOO,
Acting Secretary.

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

NAVY DEPARTMENT,
Washington, May 5, 1897.

SIR: Referring to the committee's letter of the 29th ultimo, transmitting a copy of the bill (S. 1681) for the relief of J. A. McCreary, of Emporia, Kansas, and asking to be advised as to the Department's views in regard thereto, I have the honor to invite attention to Senate Report No. 467, Fifty-fourth Congress, first session, to accompany S. 1958, then pending in the Senate, in which report is embodied a letter from this Department, dated February 28, 1896, and to state that no reason is perceived for modifying the views expressed therein.

The case of McCreary, as appears from the records, has been reconsidered by the Department since the letter of February 28, 1896, above mentioned, was written. On January 4, 1897, Mr. McCreary wrote to the Department contending that injustice had been done him in the matter, particularly in the statement contained in the letter of February 28, 1896, to the effect that it did not appear from the records that he had "performed the duties of an acting ensign from March 16, 1865, to July 16, 1865," the period covered by his claim, and further urged that Lieut. Commander John C. Morong, U. S. N., in a statement which appears in House Report No. 820, Fiftieth Congress, first session, had reported that McCreary performed the duties of a "watch and division officer."

In reply, McCreary was informed by the Department, under date of January 23, 1897, that careful consideration had been given to the matters presented in his letter, and that, although the log book of the U. S. S. *Argosy* (the vessel upon which he had served) showed that he performed duty on board that vessel and signed the log book as a watch officer, yet such signature was not accompanied by any designation of his rank; and with respect to Lieutenant-Commander Morong's statement, attention was invited to the fact that he had reported merely that McCreary performed the duty of a watch and division officer, but did not specify what rank he held. Under these circumstances the Department concluded that no injustice had been done him, and that there appeared to be no sufficient ground for reversing its previous decision.

Very respectfully,

JOHN D. LONG, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

INSTRUCTOR OF SWORDMANSHIP, NAVAL ACADEMY.

JANUARY 12, 1898.—Ordered to be printed.

Mr. PERKINS, from the Committee on Naval Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 957.]

The Committee on Naval Affairs, to whom was referred the bill (S. 957) to authorize the President to retire the instructor of swordmanship at the United States Naval Academy at the age of 62 years on the pay of a lieutenant of the junior class in the Navy, having had the same under consideration, report it back adversely and recommend that it do not pass.

A communication from the Navy Department is herewith appended.

NAVY DEPARTMENT,
Washington, April 8, 1897.

SIR: Referring to the bill (S. 957) "To authorize the President to retire the instructor of swordmanship at the United States Naval Academy at the age of sixty-two years on the pay of a lieutenant of the junior class of the Navy," and to the committee's request of the 25th ultimo to be advised as to the Department's views in regard thereto, I have the honor to state that said bill, having been referred to the superintendent of the Naval Academy for report and recommendation, has been returned with the following indorsement:

The proposed bill is rather indefinite. As there are three instructors in swordmanship at the Naval Academy, the effect of the bill, if passed, will be that each of them will be entitled to the benefits of the act; and, still further, it would apply to any future instructor of swordmanship upon attaining the age of 62 years.

I am not in favor of commissioning other than graduates of the Naval Academy as line officers of the Navy, even on the retired list.

The Bureau of Navigation, which Bureau has cognizance of the affairs of the Naval Academy, has also recommended adversely in regard to this bill.

The Department recognizes the indefinite character of the legislation contemplated by the bill in question, as commented upon by the superintendent of the Naval

Academy, and the fact that its passage would at least create a bad precedent. Moreover, it is considered that the privilege of retirement should be reserved for those persons who are incapacitated by reason of wounds or injuries incurred in the line of duty, or have long and faithfully served in the Army or Navy in defending their country, or who, though they may never have been engaged in actual defense of the country, have nevertheless held themselves always in readiness to sacrifice their lives in its behalf if need be, and who, in entering the service and throughout their career, looked to the privilege of retirement as their reward for faithfulness.

In view of all the foregoing the Department does not recommend the bill in question to the favorable consideration of the committee.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. EUGENE HALE,

Chairman of the Committee on Naval Affairs, United States Senate.



AMERICAN REGISTER FOR STEAMER NAVAHOE.

JANUARY 13, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 3053.]

The Committee on Commerce, to whom was referred the bill (S. 3053) to provide an American register for the steamer *Navahoe*, have carefully considered the same, and report as follows:

The *Navahoe* (then *Thuringia*) and at that time owned by the Hamburg-American Packet Company, while on a voyage from Havre, France, for West Indian ports, on December 16, 1896, went ashore on the east point of the Island of Curaçoa, West Indies. The wreck was salvaged by the Chapman Derrick and Wrecking Company of New York, under contract with the Hamburg Company, after about a month's work. The wreck was towed to Newport News, arriving March 29, 1897.

The vessel, in her damaged condition, was bought from the Hamburg-American Company on June 23, 1897, for the sum of \$10,000, by B. F. Clyde, a citizen of the United States, being a member of the firm of Wm. P. Clyde & Co., who repaired her at the shipyard of the John N. Robins Company, Erie Basin, Brooklyn, and paid additional bills for labor, material, and fittings, at a total cost of \$42,405.88, vouchers for which expenses have been submitted to the committee, together with complete evidence of the other facts in the case.

As this vessel is owned by a citizen of the United States and has been repaired by him to an extent equal to more than three-fourths of her total cost when repaired, the only bar to this vessel's registry under the general law (sec. 4136, Revised Statutes) is the fact that she was wrecked outside of the waters of the United States instead of within the same.

It has been the practice of Congress in similar cases to remove this technical bar to registry where all the other and more material requirements of the law have been shown to have been complied with, and accordingly your committee report back S. 3053 with the recommendation that it pass.

DUTIES OF JUDGES OF THE UNITED STATES DISTRICT COURTS.

JANUARY 13, 1898.—Ordered to be printed.

Mr. PETTUS, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 737.]

The Committee on the Judiciary, having considered the bill (S. 737) to equalize and regulate the duties of the judges of the district courts of the United States in the State of Alabama, recommend that the bill be passed.

There are now four United States district courts in Alabama, held at the following places: Mobile, Montgomery, Birmingham, and Huntsville; and there are two district judges. One judge holds the court at Mobile and the other judge holds the three other courts.

The State is divided into three districts—the southern, the middle, and the northern; but the northern district, by a peculiar statute, is divided into two divisions, with a separate court in each division. These two divisions are, in legal effect, two districts, with separate courts and separate territorial jurisdiction.

This bill merely makes the judge of the southern district to be judge of the middle district also. It makes no other change, nor does it require any additional expense. It gives to each judge, approximately, an equal share of the work.

The judge of the northern part of the State now has his home in Montgomery, in the middle district, and this bill gives to him the right to reside at his present home.

ADOLPH VON HAAKE.

JANUARY 13, 1898.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 2638.]

The Committee on Military Affairs, to whom was referred the bill (S. 2638) for the relief of Adolph Von Haake, having considered the same, respectfully report it back with the recommendation that it do pass.

A similar bill was reported favorably several times and passed the Senate in the Fifty-fourth Congress, the report to the Fifty-fourth Congress being as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1785) entitled "A bill for the relief of Adolph Von Haake," have considered the same, and report it back favorably, adopting the report of the last Congress, as follows:

[Senate Report No. 105, Fifty-third Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (S. 469) entitled "A bill for the relief of Adolph Von Haake," have had the same under consideration, and report it back favorably and recommend its passage.

This bill is similar to the amended bill for the relief of Adolph Von Haake reported favorably to the Senate in the Fifty-second Congress, and which passed the Senate and was reported in the House.

Your committee adopt the Senate report of the last Congress on this case and make it a part of this report. It is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1445) entitled "A bill for the relief of Adolph Von Haake," have had the same under consideration and report it back favorably, amended, and recommend its passage.

The petitioner asks that he be allowed and paid the difference of pay and emoluments between major and captain of infantry from August 8, 1863, to June 10, 1865, less any pay and emoluments received by him during that period, and such was the tenor of the bill as originally introduced.

Von Haake was mustered as captain in the Sixty-eighth New York Volunteer Infantry January 25, 1863, and was taken prisoner at Gettysburg July 1, 1863, and confined at Richmond and Macon, and discharged March 4, 1865, reporting at Camp Parole, at Annapolis, Md., and there granted sick leave and mustered out June 10, 1865.

While a prisoner of war, and on November 12, 1863, he was commissioned a major, to take rank August 8, 1863, but, being a prisoner of war, could not be and was not actually mustered. He made his application to the War Department for recognition

as major under act of June 3, 1864, and by some process of reasoning he was allowed and paid as such from November 12, 1863, to March 3, 1865. He subsequently made application under act of February 3, 1867, for pay as major from August 8, 1863, which was refused, the regiment then being below the number entitling it to three field officers. The next vacancy when he could have been mustered occurred October 25, 1863.

Your committee are of the opinion that Major Von Haake is equitably entitled to pay and emoluments from said last-mentioned date to the time (November 12, 1863) he was first recognized as entitled by the War Department, and are likewise of the opinion that he is also entitled from the date of his discharge from prison, March 4, 1865, to the date of his muster out, June 10, 1865, and your committee accordingly report the bill back amended so as to read as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Adolph Von Haake, out of any money in the Treasury not otherwise appropriated, the difference of pay and emoluments between major and captain of infantry from October twenty-fifth, eighteen hundred and sixty-three, to November twelfth, eighteen hundred and sixty-three, and from March fourth, eighteen hundred and sixty-five, to June tenth, eighteen hundred and sixty-five, deducting therefrom the pay and emoluments received by him during the period aforesaid."



PENSION APPROPRIATION BILL.

JANUARY 13, 1898.—Ordered to be printed.

Mr. PERKINS, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 4303.]

The Committee on Appropriations, to whom was referred the bill (H. R. 4303) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1899, and for other purposes, report the same to the Senate with an amendment, and submit herewith a comparative statement showing the amounts of the estimates for 1899, the amounts provided by the bill as passed the House of Representatives, the amounts recommended by the committee, and the amounts appropriated for the fiscal year 1898.

The amendment recommended by the committee increases the amount provided by the House bill for clerk hire at pension agencies from \$400,000 to \$430,000, making the sum recommended the same as for the current fiscal year. A letter of the Commissioner of Pensions, stating the necessity for an increase in this appropriation, is appended to the report.

A statement is also submitted showing the appropriations made for the payment of pensions for the fiscal years 1889 to 1898, inclusive.

PENSION SERVICE, 1899.

Amount of estimates for 1899.....	\$141, 257, 750
Amount of House bill.....	141, 218, 830
Amount as reported to the Senate.....	141, 248, 830
Amount of law for 1898.....	141, 263, 880

Comparative statement showing the appropriations for 1898, the estimates for 1899, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1899.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate Committee, 1899.
Army and Navy pensions.....	\$140, 000, 000	\$140, 000, 000	\$140, 000, 000	\$140, 000, 000
Fees and expenses of examining surgeons.....	700, 000	700, 000	700, 000	700, 000
Salaries of agents.....	72, 000	72, 000	72, 000	72, 000
Clerk hire at agencies.....	430, 000	430, 000	400, 000	430, 000
Fuel.....	250	250	250	250
Lights.....	500	500	500	500
Stationery and other necessary expenses.....	35, 000	35, 000	30, 000	30, 000
Rents.....	26, 130	20, 000	16, 080	16, 080
Total pensions.....	141, 263, 880	141, 257, 750	141, 218, 830	141, 248, 830

Appropriations for pensions, fiscal years 1889 to 1898, inclusive.

1889	*\$89,758,700.00
1890	*107,080,607.35
1891	*127,793,059.34
1892	*143,189,117.00
1893	*160,581,787.35
1894	166,531,350.00
1895	151,581,570.00
1896	141,381,570.00
1897	141,328,580.00
1898	141,263,880.00

LETTER OF THE COMMISSIONER OF PENSIONS.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, January 10, 1898.

SIR: I have the honor to invite your attention to the bill which proposes to make appropriation for the payment of invalid pensions and other purposes for the fiscal year 1899, which has passed the House of Representatives and is now pending in the Senate, having, I presume, been referred to your committee.

The items contained in said bill are satisfactory to me, except in the single instance of the amount which it is proposed to appropriate for "Clerk hire at pension agencies." The sum (\$400,000) stated in said bill will be greatly insufficient for the purpose, and I am of the opinion that it will very seriously impair the efficiency of this service to appropriate so small a sum.

I have thought it well to state a few facts in connection with this bill that your committee might consider them when they take up the bill for action.

For the fiscal year 1897 Congress appropriated \$450,000 for this purpose. At the beginning of that year we had on the rolls 970,678 pensioners. During that year there was a net increase of 5,336 pensioners to the roll, making, on the 1st day of July, 1897, 976,014 pensioners.

For the fiscal year 1898, in spite of this increase to the roll, Congress appropriated for "Clerk hire at pension agencies" but \$430,000, a reduction from the preceding year's appropriation of \$20,000. I had great difficulty in bringing the pension agency service within the limits of this appropriation. It was greatly crippled by the reduction, and I had to discharge or reduce in salary many faithful and competent clerks, and thereby seriously affect the efficiency of the whole service, which, in my opinion, has no superior.

On the 31st day of December, 1897, there was a total of 988,495 pensioners on the roll, a net increase, since the 1st day of July, 1897, of 12,481, and a net increase, since the 1st day of July, 1896, of 17,817.

During the fiscal year 1897 this Bureau issued 94,454 pension certificates, of which 50,101 were original certificates. During the first six months of the present fiscal year this Bureau has issued a total of 47,663 certificates, of which 26,000 were in original claims. I feel satisfied that by the end of the present fiscal year this Bureau will have issued not less than 100,000 certificates of all classes.

It is very well known to you, of course, that all of the additional work resulting from the issue of these certificates and from the increase to the pension roll falls upon the clerical force of the pension agencies. I am unable to see how the appropriation for the payment of the salaries of these clerks can, under the circumstances stated, be reduced at all.

When I appeared before the Committee on Appropriations of the House of Representatives I recommended not that the sum of \$450,000 be again appropriated, but that the sum of \$440,000 be given for the purpose. This would have been just \$10,000 in excess of the amount appropriated for the current fiscal year, and I hope by economical management to make that sum do. The committee, however, in their wisdom, saw fit to reduce the amount to \$400,000, and, as before stated, I am satisfied that this sum will not be sufficient for the purpose.

I earnestly recommend that this bill be amended so as to provide that the sum of \$440,000 be appropriated for "Clerk hire at pension agencies for the fiscal year 1899," and if the committee approve of the proposition I would be glad to be heard when the matter is reached for consideration.

Very respectfully,

H. CLAY EVANS,
Commissioner of Pensions.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

* Including deficiencies.

SURETIES OF FRANK A. WEBB.

JANUARY 13, 1898.—Ordered to be printed.

Mr. NELSON, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 767.]

The Committee on Commerce, to whom has been referred the bill (S. 767) for the relief of the sureties of Frank A. Webb, respectfully report as follows:

Lindley C. Kent and Joseph A. Jenkins, of Wilmington, Del., seek to have repaid to them the penalty exacted from them as sureties of Frank A. Webb upon his bond and contract with the Secretary of War for the construction, erection, and delivery of buildings for the new Port Penn Light Station, on the Delaware River, in the Fourth light-house district. Webb, by his contract, approved by the Secretary of War, June 29, 1895, undertook to complete the above work in five calendar months thereafter. Before the time expired for his thus completing the work Webb absconded, and Kent & Jenkins, as his sureties, took up the work and carried it to completion, and actually completed it by the delivery of the buildings to the representative of the Light-House Board and the Government's acceptance thereof on the 14th day of February, 1896, or seventy-seven days after the date of completion and delivery specified in the contract. For this delay Kent & Jenkins, as the sureties of Webb, were charged by the Light-House Board a penalty of \$20 a day, making a total of \$1,540. Through this delay the Government was subjected to an expense, for pay of inspectors and traveling expenses of inspectors and assistant engineers, of \$419.83.

The object of this bill is to authorize the repayment to Kent & Jenkins of so much of this penalty as was in excess of the actual extra expense thereby caused to the United States.

It appears from the evidence submitted to the committee that the default, under this contract, in the first instance, was that of Webb alone, the principal, and that his sureties, Kent & Jenkins, immediately upon ascertaining that Webb had abandoned the work, took it up themselves and carried it to completion. It further appears from the evidence that, independent of the work done by Webb, under the contract—

Kent & Jenkins expended in material and labor thereon the sum of.....	\$6, 179. 33
The contract price of the building was.....	\$4, 400. 00
Penalty for delayed completion, 77 days, at \$20.....	1, 540. 00
Leaving a balance received from the Government by Kent & Jenkins of.....	2, 860. 00
Thereby making a net loss to the sureties of.....	3, 319. 33

The Government inspector is of the opinion that the work could not be duplicated for less than \$5,000.

It further appears that no loss of any other character was sustained by the Government by such delay in the completion of the work for the reason that the light-house in question is situated on the Delaware River, at a point already well lighted, and where there was no danger of shipwreck, or other loss of shipping for want of such construction, nor did any such wreck or loss occur during the period of default.

For a further elucidation of this subject the letter of the Acting Secretary of the Treasury, and the letters of Mr. Bixby, the engineer in charge of the district in which the light-house is situated, are hereto appended and made a part of this report.

Your committee recommend the adoption and passage of a substitute substantially in the form of Senate bill No. 3348, second session, Fifty-fourth Congress, referred to in the letter of the Acting Secretary of the Treasury, in lieu of the said Senate bill No. 767.

TREASURY DEPARTMENT,
Washington, D. C., December 17, 1896.

SIR: I have the honor to acknowledge the receipt of a letter from your committee dated December 11, 1896, inclosing Senate bill No. 3348, for the relief of the sureties of Frank A. Webb, contractor for Port Penn Light Station, Delaware, and asking suggestions touching the merits of the bill and the propriety of its passage.

The matter was referred to the Light-House Board, which reports that it knows of no objection to the passage of the bill.

Respectfully, yours,

S. WIKE,
Acting Secretary.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

LIGHT-HOUSE ESTABLISHMENT,
OFFICE OF ENGINEER, FOURTH DISTRICT,
Philadelphia, Pa., March 26, 1896.

SIRS: Copy of Senate bill No. 2608, for the relief of the sureties of Frank A. Webb, contractor for building Port Penn Light Station, Delaware, received to-day, is herewith returned as requested, with my remarks upon the same, as follows:

The construction, erection, and delivery of the buildings for the new Port Penn Light Station, Delaware, has been satisfactorily completed according to the terms of the contract; but the bond to this contract also requires the contractor and bondsmen, all of them, to be responsible for prompt payments by the contractor to all persons supplying him with labor and materials in the prosecution of such work, and requires that this bond shall remain in full force until such payments shall have been made.

This provision is required by a special act of Congress, approved August 13, 1894. In this particular case the bondsmen have taken upon themselves the completion of this contract and have completed the same for the contractor so far as concerns its promised deliveries to the United States; but certain of their creditors have already applied to this office verbally for security for the proper payment of what are claimed to be just bills for labor and materials furnished by these creditors to either Mr. Webb, the actual contractor, or to Messrs. Kent & Jenkins, in their capacity of acting contractors; and these creditors have been referred by me to the act of August 13, 1894, as the pledge of Congress that their just dues shall eventually be paid.

My letter of the 14th instant fully explains the peculiar circumstances of this case, and from it may be seen that in my opinion the contractor might be released of a large portion of the "penalty" of this contract without detriment to the interests of the Government, which release would also in turn release the bondsmen of a portion of the indebtedness unexpectedly thrust upon them by the delays of the contractor. But I can see no justice in releasing either the contractor or bondsmen from their just debts to those who have supplied them with labor and materials for this work.

Under such circumstances I therefore think that Senate bill No. 2608, as introduced

March 23, 1896, should not be allowed to become law without protest by the Light-House Department, the conditions of the bond itself not yet having been satisfied.

Respectfully,

W. H. BIXBY,
*Major, Corps of Engineers, U. S. A.,
Engineer Fourth Light-House District.*

The LIGHT-HOUSE BOARD,
Washington, D. C.

LIGHT-HOUSE ESTABLISHMENT,
OFFICE OF ENGINEER, FOURTH DISTRICT,
Philadelphia, Pa., March 14, 1896.

SIRS: I have herewith to report the final completion by the contractor and acceptance by me of the Port Penn Wharf (Reedy Island, rear) light station, and to request your further instructions for payment thereon. In my opinion, this work was completed sufficiently for its formal acceptance on February 14, at which date the penalty for delay amounted to \$1,540 (seventy-seven days, at \$20 per day). The total expenses incurred by the Government on this contract in the way of inspection and of supervision from November 29, 1895 (the date of promised completion), up to to-day, have amounted to only \$419.83, of which only \$108.53 is considered by me as an actual excess over what such inspection and supervision might have cost the Government had the contract been commenced exactly on time and also completed exactly on time. Considering that the contract is only for \$4,400, and that the strict application of the penalty clause in this particular case gives results so exaggerated in comparison with what seems needed to protect properly the Government interests, I have to recommend that, if possible, the penalty be reduced to \$419.83—that is, to the cost to the Government of all inspection and supervision from the date of promised completion up to the date of actual completion.

Fuller reasons for the above are as follows:

The original contract was approved on June 29, 1895; notification of such approval reached this office on the 5th July, and on the same day the contractor, Mr. F. A. Webb, of Wilmington, Del., was notified of such approval. Work upon the ground at Port Penn Wharf was commenced by Mr. Webb on August 30 and continued with reasonable progress for several weeks. On October 5 the contractor suddenly disappeared, and work gradually slowed up until it entirely ceased on October 14. As no one appeared to know the whereabouts nor the proposed future movements of the contractor, his bondsmen, Messrs. Kent & Jenkins, also of Wilmington, Del., were notified of such disappearance and their attention called to the conditions of their bond. They replied that they had just heard that Mr. Webb was sick at Eastport, Me., and unable to attend to further business, and that they themselves would endeavor to continue the work for him and for their own protection.

Further communications from this office as to this contract work were addressed to Mr. Webb, in care of Messrs. Kent & Jenkins, they assuming to act for him. At that time such action by the bondsmen appeared the best that could be done by them to protect all parties concerned, themselves included. Under such arrangement of matters, work was resumed at Port Penn Wharf on October 27, and has continued slowly and under many adverse conditions until to-day, March 14. Of course, the bondsmen lost considerable time in resuming work, as they were in many cases ignorant of the contractor's prior arrangements, and in many ways they were later unable to secure as prompt and as efficient work as would naturally be expected from a regular contractor. On November 12, 1895, it was evident to them that they would be unable to complete the contract on time, and they applied for about six weeks' extension of the contract, this request for extension being forwarded by me by my letter of November 27—favorably indorsed, because of the peculiar circumstances, and being returned unapproved by your letter of November 30 as objectionable on general principles. On February 8 the work was so far advanced that the bondsmen asked for its acceptance as completed; but at that date some of the outside and inside painting and some of the carpentry were still undone.

On February 14 the tower was complete, and the dwelling was complete enough for occupancy, the only things remaining unfinished being of minor character, such as the supply of two privy buckets, ornamental corners for window screens, a few hinges, a few screws, one or two storm-door knobs, a transom-lift attachment, etc., and a little retouching of plastering, of cistern walls, and of hall door transoms; all these being mainly the result of misunderstandings between the bondsmen and either the inspector or subcontractors as to the full requirements of the specifications, and not the fault, entirely, of the bondsmen as acting contractors. Because of these considerations, I am of the opinion that the contract should be regarded as completed on February 14, 1896, so far as concerns its formal acceptance. The supply of the minor deficiencies and the retouching of the plastering and cistern

were all completed on the 13th instant, so far as I deem them necessary under the terms of the contract, the twenty-eight days further delay being partly due to the remoteness of the place of work from depots of supply, and partly due also to the weather, as well as to natural differences of opinion and misunderstandings between all parties concerned.

As regards the actual cost of work furnished, the bondsmen claim that the bills against them for this work already amount to about \$2,000 more than the contract price, while the Government inspector, who has had considerable personal experience in such construction work, thinks that the work as completed could not be duplicated for less than \$5,000, or, in other words, that it is worth at least \$600 more than the contract price; so that the bondsmen have evidently endeavored to give the Government a full equivalent for the full amount of the original contract price.

The original contract (p. 20) prescribes the completion of the work in five calendar months after the date of the approval of the contract by the Secretary of the Treasury; and also (p. 6, par. 22) prescribes a forfeit of \$20 per day for each day of delay beyond such prescribed date of completion. As the date of approval was June 29, 1895, the prescribed day of completion became November 29. Should the date of formal acceptance be taken as that of February 14, 1896 (regarded by me as a proper one), the delay becomes one of seventy-seven days, and the penalty becomes \$1,540. Should the date of formal acceptance be made as late as that of March 13, the day on which any required work, however slight, was done (which I do not think just to the contractor), then the delay becomes one of one hundred and five days, and the penalty becomes \$2,100. Both these penalties, however, I regard as so large as to be unjust to the bondsmen, upon whom they must finally fall, and as overdoing the question of necessary protection to the Government interests in cases of this sort.

The annual extra cost to the Government due to this delay is rather difficult to determine exactly. From November 29 up to to-day the total amount paid out for inspector's services on this work is \$396.93, and that for travel expenses of inspector and assistant engineer is \$22.90, making a total of \$419.83. Had the contractor commenced his work two months earlier he would have had a right to claim the inspector's presence for these two months, and most of the inspector's and engineer's travel would then, in all probability, have been performed prior to November 29, in which case this \$419.83 would have been reduced by \$300 for two months of inspector's salary, and (assuming the work to have been finished completely in the same number of days as before) would have been reduced \$11.30 more for travel, which would then have been performed prior to November 29, leaving only \$108.53 as the total of expenses to have been actually incurred by the Government after November 29, due to the prolongation of the work beyond the stipulated five months.

Of course all actual delay beyond November 29 has caused more or less inconvenience to this office because of keeping the inspector from other work which really needed his immediate attention, but as the other work has not actually been yet done, and no actual money has been paid out therefor, the loss to the Government by reason of its postponement is difficult to estimate. In the same way the loss to the Government because of the nonuse of this light station for the three and a half months from November 29 to March 13 is equally difficult to estimate. However, as no accidents have occurred as a special result of this delay, it would seem to me that the \$311.30 difference between the above amounts of \$419.83 and \$108.53 is sufficient to cover all such actual or theoretical losses to the Government as well as sufficient to also protect the general interests of the Government in other similar cases. For these reasons I recommend, if allowable under the law, this penalty in this case be reduced from that of strict compliance with the specifications and be limited to the \$419.83 representing the actual expenses of inspection and superintendence paid for by the Government for services, etc., in connection with this contract and subsequent to November 29; that is, subsequent to the date of completion promised by the original contract.

It is of course understood by me that all payments by me in this case are to be made to Mr. Webb, the original contractor, and that he and not the Government is responsible to the bondsmen who have been completing his work for him; yet it is quite evident from the above that the original contractor has proved himself an irresponsible person, and that the main losses in this case will not fall so much upon him as upon the innocent and well-meaning bondsmen, so that the strict enforcement of the full penalty in this case would act undesirably as a preventive more against future good bondsmen than against future irresponsible bidders.

Respectfully,

W. H. BIXBY,
Major, Corps of Engineers, U. S. A.,
Engineer Fourth Light-House District.

The LIGHT-HOUSE BOARD,
Washington, D. C.

GUNBOAT ON THE GREAT LAKES.

JANUARY 13, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 2523.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2523) for the construction of a gunboat on the Great Lakes, to take the place of the U. S. S. *Michigan*, have proposed certain amendments thereto, and recommend the passage of the same when so amended.

The bill was referred to the Secretary of the Navy, who reports as follows:

NAVY DEPARTMENT,
Washington, January 10, 1898.

SIR: The Department has carefully considered the question of the construction of a gunboat of modern type and the substitution of the same for the *Michigan* for duty on the Great Lakes, as provided for in the bill (S. 2523) referred by you with a request for an expression of its views concerning the legislation proposed, and I have the honor to state that, although the *Michigan* is now, owing to repairs made from time to time, in good condition so far as seaworthiness is concerned. She was built in 1844, and is consequently of an antiquated and obsolete type and of little or no value as a vessel of war, being, it is believed, the first one ever built of iron, and certainly the oldest one of that kind in actual service.

The Bureaus of Construction and Repair and Steam Engineering report concerning this matter that, in their opinion, it would be to the interest of the Government to have the *Michigan* replaced by a vessel which, as a representative of the Navy upon the Great Lakes, would have features of note other than antiquity, and further, that—

“We note that the limit of cost fixed within is that of the composite gunboats *Wheeling* and *Marietta*. This limit was inadequate for these vessels and we believe that a gunboat upon the Great Lakes should differ from the *Wheeling* type in being unsheathed and of not less than fifteen knots trial speed. This would involve greater cost, and we would suggest two hundred and sixty thousand dollars (\$260,000) as an appropriate limit of cost.”

The views of Lieut. Commander Richard Rush, commanding the *Michigan*, were also requested, and he states that said vessel is, on account of her breadth, with the houses on the sides for the paddle wheels, unable to pass through the Welland Canal into Lake Ontario; and that during the open season on the lakes she is employed in the drilling of the naval militia of Ohio, Michigan, and Illinois, and in surveying work, for both of which duties she is ill adapted, because she is of such an antiquated type that very little practical instruction or drill of any value on modern vessels can be given the militia, and because she is so clumsy in the water and so

inconveniently constructed as to forbid her being of as great service in this direction as the importance of the work demands. Mr. Rush adds that, as said vessel not only has entirely outlived her usefulness as a war ship but is inadequately constructed to meet the present demands of the service during peace, the time has arrived when, in his opinion, she should be replaced by a modern naval vessel.

In view of the foregoing the Department considers it important that a new vessel should be built and put on the Great Lakes at an early date and as soon as the condition of the public finances will permit of the requisite expenditure, provided the Congress considers that such action would not be in violation of the agreement of 1817 between this Government and Great Britain relative to the naval forces to be maintained in those waters.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. EUGENE HALE,

*Chairman of the Committee on Naval Affairs,
United States Senate.*

The extreme desirability of replacing the obsolete *Michigan* with a modern vessel has been made plain in the foregoing letter of the Secretary of the Navy, and there remains to be considered the suggestion as to whether the building of such a vessel as is contemplated would be in contravention of the terms of the arrangement entered into at the city of Washington, in April, 1817, between the then Secretary of State, Richard Rush, and the Right Hon. Charles Bagot, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, in regard to the naval force to be maintained upon the Great Lakes by the respective Governments.

A sufficient answer to any objection that might be raised as to this point is that the proposed vessel would take the place of one that has been afloat on the lakes since 1844 without in any way disturbing the international agreement. Moreover, the *Michigan* was built by virtue of legislation passed in 1841, in view of the fact that the British had temporarily increased their force on the lakes on account of threatened invasions. During the war of the rebellion the *Michigan* performed necessary service along a frontier always exposed, and once actually invaded. Since the war the duties devolving upon the Navy in time of peace have kept the vessel in service, and it is rather for the prosecution of such services than for offensive purposes that a naval vessel is needed on the lakes.

The committee therefore recommend the passage of the bill, with the distinct understanding that the substitution contemplated raises no new question of international bearing.



JOSHUA BISHOP.

JANUARY 14, 1898.—Ordered to be printed.

Mr. McENERY, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 1508.]

The Committee on Naval Affairs, to whom was referred the bill (S. 1508) for the relief of Joshua Bishop, having had the same under consideration, make the following report:

The committee recommend the passage of the bill for the reasons stated in the letters of the Secretaries of the Navy, as follows:

NAVY DEPARTMENT,
Washington, March 10, 1896.

SIR: Referring to the bill (S. 2338) for the relief of Joshua Bishop, and to the committee's communication of the 3d instant, requesting to be advised as to the views of the Department in regard thereto, I have the honor to state that, inasmuch as the bill in question simply confers jurisdiction upon the Court of Claims to try and determine the claim of Commander Bishop against the United States for pay alleged to be due and unpaid to him as lieutenant-commander from February 9, 1868, to February 28, 1871, the Department sees no objection to the favorable consideration of the bill by the committee.

Very respectfully,

H. A. HERBERT,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

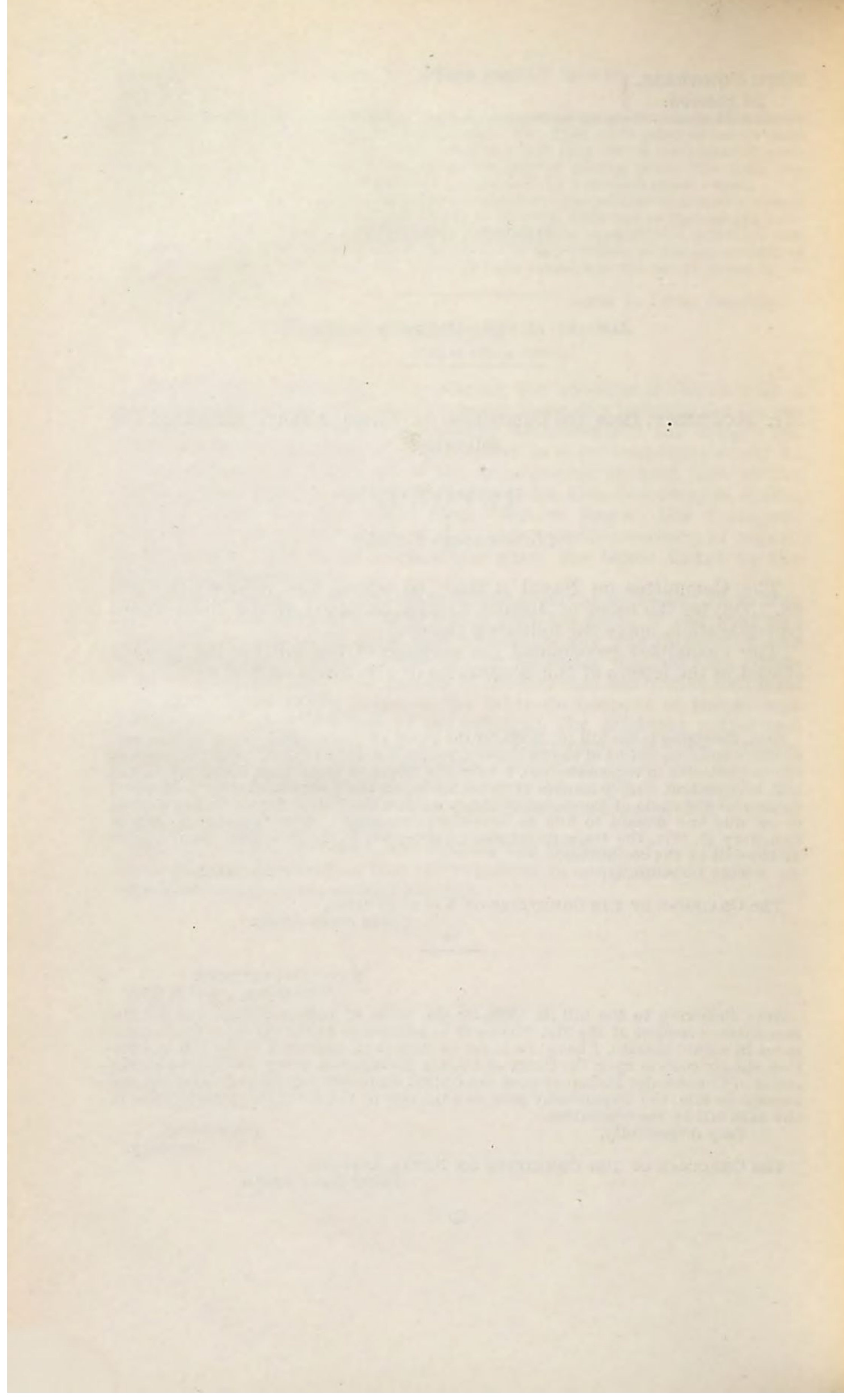
NAVY DEPARTMENT,
Washington, April 3, 1897.

SIR: Referring to the bill (S. 1508) for the relief of Joshua Bishop, and for the committee's request of the 31st ultimo to be advised as to the views of the Department in regard thereto, I have the honor to state that, inasmuch as the bill in question simply confers upon the Court of Claims jurisdiction to try and determine the claim of Commander Bishop against the United States for pay alleged to be due and unpaid to him, the Department sees no objection to the favorable consideration of the said bill by the committee.

Very respectfully,

JOHN LONG,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.



SALE OF POISONS IN THE DISTRICT OF COLUMBIA.

JANUARY 14, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following

ADVERSE REPORT.

[To accompany S. 470.]

The Committee on the District of Columbia, to whom was referred the bill (S. 470) to regulate the sale of poisons in the District of Columbia, make an adverse report thereon.

The bill has met with various objections from the Pharmaceutical Association of the District of Columbia and from various manufacturers of medical preparations, who point out the fact that the provisions of the bill are not such as to accomplish the ends sought. The committee think the objections to the bill in its present form are such as to warrant an adverse report. The objections are given below.

PARKE, DAVIS & Co.,
Detroit, Mich., June 23, 1897.

DEAR SIR: Permit us to acknowledge receipt of your esteemed favor of the 19th instant.

Since you ask us to point out that portion of Senate bill No. 470 which is not conducive to the public welfare, we will waive further reference to the effect of the bill upon our own interests and merely state that in our opinion a three cornered container is not at all likely to prevent the occurrence of accidental poisoning. As previously stated by us, a three-cornered bottle has been used in the past for marketing such harmless products as cod-liver oil, celery compound, etc. The chief of our general business department has now in his possession a three-cornered bottle which is used by the Seely Manufacturing Company, of Detroit, for one of their flavoring extracts.

But supposing that this special shape of container had never been used before, its peculiar form would not, in our opinion, prevent occasional casualties from poisoning. The patient would receive the first parcel of poisonous medicament in the three-cornered bottle. After using its contents he would probably wash out the bottle and then pour into it some beverage or harmless household substance. Subsequently he might have occasion to purchase a second quantity of some poisonous substance, and then confusion would be very likely to arise. Indeed, accidents have occurred in this very way.

We have no general objection to a poison law, nor would such a measure meet with any opposition from the pharmaceutical fraternity. Such laws prevail in almost all our States and Territories. But the ideal poison bottle has yet to be devised. Its requisites are not, in our opinion, embodied in a container of three-cornered shape.

Very respectfully, yours,

PARKE, DAVIS & Co.,
W. M. WARREN, *General Manager.*

Hon. JAMES McMILLAN,
Senate Chamber, Washington, D. C.

THE FRASER TABLET TRITURATE MANUFACTURING COMPANY,
New York, June 16, 1897.

DEAR SIR: I received the inclosed from the District of Columbia Pharmaceutical Association this a. m.

The result of long experience in the retail and manufacturing drug business has conclusively shown me five things:

First. That the label, which the clerk must read to find his medicine and which the checking clerk must read to pass the package, is the proper place to put the caution against accident from poison.

Second. That if the shape of the bottle is to be prescribed by law it would not be practical unless the law were made international by agreement, because three-cornered bottles are used for harmless medicines and liquors both in this and foreign countries.

Third. Provided this law were passed it would be necessary to direct that all bottles used for other medicines and liquors than poison should be made of one shape, because after the clerk became accustomed to the three-cornered bottle it would not mean anything more than any other of the many different shapes to him.

Fourth. That poison laws in the different States are so conflicting that confusion to manufacturers is sure to ensue.

Fifth. That mistakes are made not so much on account of a want of knowledge as from absence of mind.

I beg leave to ask you to oppose the passage of this bill.

Respectfully,

HORATIO N. FRASER.

Hon. T. C. PLATT,
United States Senate, Washington, D. C.

THE DISTRICT OF COLUMBIA PHARMACEUTICAL ASSOCIATION,
Washington, D. C., June 14, 1897.

GENTLEMEN: There has been recently introduced into both Houses of Congress a bill "To regulate the sale of poisons in the District of Columbia." One of the requirements is that all poisons included in the following: "Schedule A: Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, and all other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its preparations, except paregoric when sold in quantities of not more than one ounce," must be dispensed in three-cornered containers.

Should this bill become a law druggists in the District of Columbia will be debarred from dispensing in original packages any pharmaceutical preparation made by you which contains any of the above-mentioned poisons unless the container be of the required "triangular shape." The absurdity of compelling manufacturers to place hypodermic tablets containing poisonous alkaloids; elixir of iron, quinine, and strychnine; pills and tablet triturates of aloin, belladonna, and strychnine, and innumerable other well-known and frequently used preparations in "triangular bottles" for the District of Columbia market alone (no other State having enacted similar legislation) is apparent.

We believe such a regulation to be an unnecessary and useless restriction, even dangerous, as quite a number of harmless medicinal agents, e. g., cod-liver oil, celery compound, various specialties of different makes, etc., are, and have been for years, sold in triangular bottles, and under the proposed law "brown mixture" and laudanum, paregoric and corrosive sublimate solution will necessarily be dispensed in the same "distinctive" style of bottle.

The District of Columbia Pharmaceutical Association, whose membership includes three-fourths of the pharmacists of the District, at its last meeting passed resolutions condemning the proposed law, and we would request on their behalf that you use your influence with the Senators from your State to prevent the passage of this measure (Senate bill No. 470), which is inimical to your interests and also to ours.

Respectfully,

ROBERT N. HARPER,
H. E. KALUSOWSKI,
RANDOLPH L. ELIOT,
HENRY A. JOHNSTON,
WYMOND H. BRADBURY,

Committee on Legislation District of Columbia Pharmaceutical Association.

The FRASER TABLET TRITURATE MANUFACTURING COMPANY,
New York City, N. Y.

POLICEMEN IN THE DISTRICT OF COLUMBIA.

JANUARY 14, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following

ADVERSE REPORT.

[To accompany S. 469.]

The Committee on the District of Columbia, to whom was referred the bill (S. 469) "To regulate the service and fix the hours of labor for persons employed as policemen in the District of Columbia," make an adverse report upon the same.

The bill was submitted to the Commissioners of the District of Columbia for examination and report. The Commissioners' report is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 19, 1897.

DEAR SIR: The Commissioners recommend adverse action upon Senate bill 469, "To regulate the service and fix the hours of labor for persons employed as policemen in the District of Columbia," which was referred to them at your instance for an expression of their views thereon, and transmit the following copy of a report by the major and superintendent of police as showing the embarrassments that would result from its enactment:

"Should this bill become a law it would greatly interfere with the efficiency and discipline of this force, for under its provisions any policeman who has served eight hours during any one day can not be required to do any more duty in the remaining sixteen hours, never mind how emergent the occasion, whether to suppress riot, to aid in staying the progress of conflagration, or even to be continued on the streets over the time specified on such an occasion as the inauguration of a President.

"WM. G. MOORE,

"Major and Superintendent Metropolitan Police, District of Columbia."

Very respectfully,

JOHN B. WIGHT,
Acting President Board of Commissioners of District of Columbia.

Senator JAMES McMILLAN,
Chairman Committee on the District of Columbia, United States Senate.

The committee agree with the Commissioners and the superintendent of police that the proposed legislation is inadvisable.

PENSIONS OF CERTAIN WIDOWS.

JANUARY 14, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 2647.]

The Committee on Pensions, to whom was referred the bill (S. 2647) regulating pensions to widows of a certain class, have examined the same, and report:

This bill has for its object the same purpose that was enacted into law in the act of June 27, 1890, which statute provides that widows of soldiers drawing pensions under that law shall not be pensionable if their marriage took place subsequent to the passage of the act. It is a fact that at the present time there are a few widows of Revolutionary soldiers on the pension roll, and a considerable number of widows of soldiers of the war of 1812. It thus appears that widows of Revolutionary soldiers are being pensioned one hundred and fifteen years after the close of that war, and if this is repeated this country will be paying pensions to widows of the war of the rebellion in the year 1980.

The theory upon which pensions are granted to widows is that they in some way shared the hardships of their husbands during the period of hostilities, or that they lost their husbands by death on the battlefield. That is right and proper. The wife who cared for the home and children while her husband was fighting the battles of his country contributed to save the Government, and is deserving of generous recognition; but no such argument can be advanced in behalf of the women who married the soldier long subsequent to the close of the war, and who was not in any way connected with the conflict.

For this reason, there seems to be no injustice in the proposed legislation, which, so far as your committee has been able to ascertain, meets the approval of the soldiers of the country, the only opposition thus far shown to it being on the part of a few pension attorneys.

Your committee is of opinion that the proposed legislation is wise and in the line of just and true economy. We therefore report back a substitute for the original bill and recommend its passage.

RECLAMATION OF THE ANACOSTIA FLATS.

JANUARY 14, 1898.—Ordered to be printed.

Mr. PROCTOR, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. R. 28.]

The Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 28) making an appropriation for the improvement of the Anacostia River and the reclamation of its flats, make a favorable report thereon.

The reclamation of the Anacostia flats is indispensable to the health of a very considerable portion of the population of the District of Columbia. The work is made the more necessary because thousands of people who can not help themselves are forced to live where the emanations from these flats cause widespread disease and frequent deaths. Of all the improvements needed for the health and comfort of the people of the District of Columbia, this should come first.

In the latest report of the Hospital for the Insane to the Secretary of the Interior (1896) is the following:

The hope that the number of veterans of the late war among our inmates had reached its maximum in the previous year has not been realized. True, the number of survivors of the war is each year lessening, and rapidly now, but with the march of time disease overtakes so large a proportion of the relics of that war's privations and hardships that a veteran sound both in body and mind is an exception; so that, as age comes on, they in increasing numbers taking refuge in the National Home for Disabled Volunteer Soldiers, a considerable per cent reach their final camping ground here. Statistics of this increase will be found in the remarks on the estimates.

It is to this steady increase of the numbers of men in advanced life, coupled with the insalubrity of the adjoining flats of the Eastern Branch of the Potomac, that the higher figures of the mortality are mainly due.

There has been a notable absence of any further Government work on these bottoms during the past year, and one might therefore hope for some subsidence in the growth of ague germs.

But the mischief was done by the previous abortive interference with nature in throwing up those mud bars, which do not fill the flats, but stop the currents; bars that with the ebb of each tide rise out of the stagnant pools, green with a slimy growth and reeking with malaria, creating a land of noisome odors, out of which come emanations fit only for the valley of the shadow of death.

The river and harbor bill of the last session of Congress carries \$100,000 for the improvement of the Potomac River. It is perhaps too much to hope that any portion of this will be diverted to the Eastern Branch for the healing of Anacostia and St. Elizabeth, for the benefit of the dwellers in South Washington and its suburbs.

In any event the deferred completion of the work undertaken on those flats by the United States Government means increased sickness and death in the early autumn among those who have a home here; a home not of their own seeking, nor are they held for crime like those whom the same miasm overtakes at the United States jail on the opposite shore, but men who fought for their country, missing a grave on the battlefield only to find it here.

The true soldier patiently endures, yet who could blame him if, breaking his silence, he should exclaim, "How long, O Lord, how long?"

Again, the report says:

The prevalence of malarial diseases, not only at St. Elizabeth but throughout many sections of the District of Columbia, has awakened a widespread professional interest, and the attention of Congress has been called to the insalubrity of the river flats adjoining the hospital grounds in the reports of your board for the last two years. This would seem to be the proper place for a more precise statement of the relative frequency of the cases and the outlook for the future.

Cases of intermittent fever occurring during the autumn months have from time immemorial been observed along the banks of the Potomac River. Both the tertian and the quotidian types have been noted. The writer's personal experience at St. Elizabeth enables him to say that, although the plateau is elevated nearly 200 feet above tide water in the Potomac, occasional cases of the disease have occurred there in the later summer or early autumn months of each year for an indefinite period; certainly long before there had been any artificial interference with the currents of the river. Newcomers, as a rule, have been the sufferers, old residents appearing to have become acclimated. Now and then a person peculiarly susceptible to the malarial germs, without typical chills and fever, has nevertheless suffered more or less continuously in general health, and this depending but little upon the season of the year.

But the marked change in regard to this paludal fever, which has been noticed not alone at St. Elizabeth but all through this section, is that it has increased both in frequency and in severity within the past few years, and that its reign is no longer limited to the autumn months, but continues throughout the year, the coldest winter weather not being entirely free from some form of its manifestations. This marked activity of the malarial poison seemed to follow directly upon the commencement of the Government work of filling the flats of the Eastern Branch of the Potomac River, a work that has unfortunately remained in its inception, some mud bars having been thrown up, stopping the swash channels, and depending for the filling of the basins thus formed upon the silt and débris brought down by the floods from the hills near the source of the stream and by the tide distributed over the broad flats where the Eastern Branch joins the Potomac. Nature, left to herself, would take a century to complete the work and then not half do it. The result to the dwellers along the shore is that for one to escape the malaria is the exception. At St. Elizabeth, on account of its elevation, the condition is not quite so bad as that, but serious enough, as the subjoined statistics for the fiscal year ended June 30, 1896, will show. In these statistics no account is made of subsequent attacks in the individual, some of whom may have suffered many times from its recurrence.

The whole number of insane persons under care during the year was upwards of 2,000. Of these, 801, or about 40 per cent of the whole number here, were treated for intermittent fever or distinctive malarial disease. The showing among employees is even worse. There is an average of about 470 persons employed, or, allowing for the changes during the year, some 550 in all. The records show 313 different individuals employed, or 57 per cent of the whole, to have been under treatment at some time during the year for intermittent fever. In other words, more than 47 per cent of the entire population of St. Elizabeth have been "down with chills" during the year just closed. That a large proportion of this will disappear with the completion of the the river improvements seems probable, and this affords grounds of hope for the future.

Surgeon-General Sternberg makes the following report on the resolution:

WAR DEPARTMENT,
Surgeon-General's Office, June 29, 1897.

Respectfully returned to the honorable the Secretary of War.

In my opinion it is important that an appropriation be made at as early a date as practicable for the purpose indicated in the inclosed joint resolution. In this connection I respectfully invite attention to the following copy of an indorsement dated November 4, 1895, on a communication from the honorable the Secretary of the Navy, which was referred to me for remark:

"The importance, from a sanitary point of view, of reclaiming the flats on the Eastern Branch of the Potomac is apparent. While I am not personally familiar with

the local conditions which give rise to so large an amount of sickness at the navy-yard and at Washington Barracks, I have no doubt that the annual prevalence of malarial fevers, there as elsewhere, is due to the proximity of low and partially submerged lands. Surfaces completely covered with water do not give off malarious emanations, but low flats which are alternately submerged and exposed are most prolific sources of the malarial poison. The autumnal epidemic of malarial fevers has been unusually severe this fall at Washington Barracks. The total number of cases during the months of July, August, and September for the years 1893, 1894, and 1895 is shown below:

	1893.	1894.	1895.
July.....	10	10	17
August.....	39	13	75
September.....	84	40	122
Total.....	133	63	214

GEO. M. STERNBERG,
Surgeon-General United States Army.

WAR DEPARTMENT, *June 30, 1897.*

Respectfully returned to Hon. James McMillan, United States Senate, inviting attention to the report of the Surgeon-General of the Army as contained in the preceding indorsement hereon.

R. A. ALGER,
Secretary of War.

The public health reports for March 6, 1896, published by the Marine-Hospital Service, give a report presented to the Medical Society of the District of Columbia by the committee on public health of that society. The report says:

Reports have been received from 76 physicians as to the relative prevalence of malarial diseases during the year 1895 as compared with previous years. These reports, with three or four exceptions, were from the northwest section of the city.

Forty-eight of them state a marked increase, 10 of these indicating an increment of 100 to 200 per cent. Eighteen report no material change, and 9 "fewer cases than usual." Of the 18 reporting no increase, 4 were specialists not engaged in general practice, and 4 are unknown, having signed no name. There were 6 who are known to have been in general practice for several years. Of these 6, one reports 8 cases of remittent; two, 10 cases; one, 17; one, 20, and one, 25—an average of 15 cases each of remittent fever, while the average of the whole 74 is about 4. Of the 9 reporting fewer cases than usual, 4 are specialists and 3 signed no name, leaving 2 only who are known to be in general practice. The tendency of these reports, as a whole, is to show an increase in malarial fevers in the northwest section of about 100 per cent. * * *

Reports from the Washington Barracks show a steady increase from 1891, when there were 68 cases of malarial fever, to 1895, when there were 198 cases. The figures show twice as many cases in 1895 as in 1894 and nearly four times as many per thousand as in 1891.

Dr. Reed, of the Army Medical Museum, informs us that Fort Myer and Washington Barracks have led the military posts in the United States in the percentage of malarial diseases during the present year.

Reports from the Navy-Yard show a steady increase in malarial fever since 1890. In 1887, 8 per cent of the men were affected; in 1888, 13 per cent; in 1889, 12 per cent; in 1890, only 3 per cent; in 1891, 9 per cent; in 1892, 45 per cent; in 1893, 70 per cent, and in 1894, 40 per cent. In 1895, of the seamen, 100 per cent, and of the marines, 76 per cent, were affected; so we have for a number of years an average of about 10 per cent, and then the percentage rises suddenly to 40.70, and finally to 100 in 1895.

Reports from St. Elizabeth's are to the effect that malarial diseases have more than doubled in the last three years, and the same statement is received from the Washington Asylum.

The cause of the increase at Fort Myer is attributed to bad water, great upturning of the soil in making roads and grading the grounds, and to the rank growth of weeds in the surrounding fields. At the Navy-Yard and at St. Elizabeth's it is attributed to changes made in the Anacostia River three or four years ago.

Surgeon John C. Wise, of the Navy-Yard, says: "Medical officers, both at the yard and receiving ship, have frequently referred to the increase of malarial diseases. Since the partial improvement of the flats of the Anacostia River the increase has been marked and regular. Prior to the improvements it was only at unusually low tide that the flats were uncovered, but by diversion of the water into the swash channel a shallow morass has been formed, a veritable hotbed for the generation of malarial poison."

Dr. Godding, superintendent of the Government Hospital for the Insane, in his report, writes as follows: "In the three years since the mud bars were thrown up to cut off the swash channel on the river front adjoining the hospital grounds the consumption of quinine by the inmates has been more than doubled, while the unaided efforts of nature have made but slow progress in filling up the broad expanse of nearly stagnant water that each low tide changes to mud that has no salt to savor it, and it is a constant menace to St. Elizabeth."

There is little doubt but that all the above-mentioned causes have been operative and that climatic conditions have been unusually favorable to the development of the malarial organism during the past year. * * *

The reports, however, from Washington Barracks, Fort Myer, St. Elizabeth, and the navy-yard show that there has been a steady increase of malarial disease for three, four, or five years that began simultaneously with the improvements to the Eastern Branch. And while the increase was greater than ever in 1895, and was probably due in part to unavoidable climatic conditions, still there is a strong evidence in these reports to show that the condition of the Anacostia River is the prime factor. And when we bear in mind that there are comparatively few individuals in Washington who do not make at least one or two river excursions during the summer, passing by this dangerous region, usually during the night, there is good ground for believing that the Eastern Branch may be responsible for many cases occurring in remote parts of the city.

Certainly the conditions there existing are a source of much ill health as well as a blot on the beauty of our city. These conditions are remediable, and the remedy should be applied at once, as has been done to the Washington Channel. The condition of the newly made flats or parks on the river front is also far from what it ought to be. This ground for several years has been covered with a rank growth of weeds from 6 to 15 feet in height, a condition most favorable for the development of malaria. The ground should be leveled and covered with a good sod of grass, trees and grass being known to be unfavorable for the development of malaria, while tall weeds favor it.

GENERAL CONCLUSIONS.

The work of the committee may be summed up in the following conclusions:

1. Malarial fever, of intermittent type chiefly, has been much more prevalent in Washington and the District during the past year than for many years past. This increase is largely, if not wholly, due to the existence of the marshes and lowlands of the Anacostia River, associated with the small amount of rainfall and the unusual variability of the temperature during July, August, and September. The condition of the Anacostia imperatively demands removal, otherwise malaria must continue to have continued and great prevalence. * * *

Dr. S. C. Busey, in his annual address as president of the Medical Society of the District of Columbia, delivered December 16, 1896, says:

In the valuable report of your committee on public health submitted on January 23, 1896, and given to the public through the local press, and health reports of March 6, 1896, the committee sets forth the necessity of reclamation of the Anacostia River flats, accompanied with the testimony collected from every available source of information, conclusive in support of its contention that the continued and increasing prevalence of malarial diseases, especially in the eastern part of the city, at the Marine Barracks, navy-yard, St. Elizabeth's Insane Asylum, and throughout that portion of the District in suburban proximity thereto, found its cause in the emanations of sewage along the course of this river.

At a meeting of the Washington Board of Trade held February 25, 1896, the following preamble and resolution, reported by its committee on public health, were unanimously adopted:

"Whereas the enormous and constantly increasing area of marsh along the eastern border of the city is a constant menace to the health of the residents of the eastern section of the city, and especially so to the inmates of the almshouse and hospital, St. Elizabeth's Asylum, and army and naval forces, officials and employees, at the Marine Barracks and navy-yard: Therefore,

"Be it resolved, That the reclamation of these marshes is imperatively demanded, and should be accomplished without unnecessary delay."

This recommendation is renewed and emphasized in the last annual report (Novem-

ber 9, 1896) of the same committee, now pending before the board of trade. The prospect of its accomplishment has been greatly enhanced by the recent concerted cooperation of high officials, military medical corps, and many public-spirited citizens.

These circumstances are cited to add additional data to the train of indisputable facts in the history of medicine, going to show that the progress of sanitary science and reforms, here as elsewhere, throughout all times past, is due exclusively to the profession, which is the only occupation or employment of mankind that has filled the measure of its philanthropy with efforts to limit its emolument to such only as may be derived from the unavoidable ailments "to which flesh is heir," and here, as everywhere, has been confronted at every stage of progress by vicious incredulity, inhumanity that has made "countless thousands mourn," parsimony, and cupidity.

The report of the Chief of Engineers is given below:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., June 19, 1897.

SIR: I have the honor to return herewith S. R. 28, Fifty-fifth Congress, first session, "joint resolution making an appropriation for the improvement of the Anacostia River and the reclamation of its flats," concerning which report has been requested by the Committee on the District of Columbia.

The resolution has been referred to Lieut. Col. Charles J. Allen, Corps of Engineers, to whose report of the 16th instant attention is respectfully invited.

The object of this resolution is to authorize a survey of the Anacostia River, with a view to preparing a project for its improvement and the reclamation of its flats and to appropriate the sum of \$10,000 to pay the expenses of such survey.

The amount named in the resolution is probably sufficient for the purposes designed, and if appropriated by Congress will be judiciously expended.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. R. A. ALGER,
Secretary of War.

UNITED STATES ENGINEER OFFICE,
Washington, D. C., June 16, 1897.

GENERAL: I have the honor to submit the following in regard to the subject considered in Senate Resolution 28, Fifty-fifth Congress, first session, referred to me for early report by letter from the Chief of Engineers, United States Army, June 14, 1897.

The resolution directs the Secretary of War to prepare and submit to Congress on the first Monday in December, 1897, a project for improvement of Anacostia River and reclamation of its flats, from the line of the District of Columbia to the mouth of the river, with estimate of cost of same; a report on area and ownership of the land to be reclaimed, and cost of acquiring same if ownership be vested in private persons. The resolution appropriates the sum of \$10,000, or so much thereof as may be necessary, to pay the cost of surveys and other expenses in the premises.

The Anacostia River, formerly known as the Eastern Branch, is a branch of the Potomac River, which it enters on the left at Greenleafs Point, the most southern point in the city of Washington. The river has a small fluvial discharge, but has a large tidal area. The length of the river from the District line to the mouth is about 6½ miles. For about half of this distance the river channel is bordered with wide marshes and for the remainder of its length by wide flats over which the tide ebbs and flows. Near the channel these flats are exposed at low tide, while on other portions depths of from 1 to 4 feet may be found at low tide.

The channel between the mouth and the navy yard is narrow and exceedingly crooked and difficult of navigation by large vessels.

The improvement of the river has been more or less under consideration by Congress for many years. The act of March 3, 1881, provided for a survey of Potomac and Anacostia rivers, with reference to the improvement of navigation, the establishment of harbor lines, and raising of the flats. The surveys and estimates relating to the Potomac River proper were made and submitted to Congress and the improvement of that river commenced under the act of August 2, 1882. The surveys and estimates for the Anacostia River were not, however, completed at that time for want of funds. (Senate Ex. Doc. 126, Forty-seventh Congress, last session, p. 13.)

In compliance with the provisions of the act of September 19, 1890, surveys were made and a project for the improvement of the river between the mouth and the

Navy-Yard Bridge was submitted to Congress December 8, 1891. (House Ex. Doc. No. 30, Fifty-second Congress, first session.)

On May 21, 1892, the Secretary of War established harbor lines on the Anacostia River from the mouth to the Pennsylvania Avenue Bridge.

Under the act of September 19, 1890, an appropriation of \$20,000 was made for the improvement of the Anacostia River between the mouth and the navy-yard and was applied to dredging a channel 20 feet deep through two shoals between these localities.

It thus appears that the improvement of the Anacostia River has not only received the favorable consideration of Congress, but was intended by the act of March 3, 1881, to be included in the general project for the improvement of the Potomac River at Washington.

The improvement of the Anacostia River is regarded as of public importance in view of the following considerations:

(1) The river affords the only access by water to the Washington Navy-Yard, and should be improved by a channel of sufficient depth and width to enable naval vessels, of certain classes at least, to reach the navy-yard.

(2) The river forms the southeastern and eastern boundary of the city of Washington, and as these sections of the city are built up additional wharves will undoubtedly be established along this water front for the landing of building material, coal, ice, etc., for the eastern section of the city.

(3) The discharge of the Boundary and other city sewers into the Anacostia River is attended by more or less deposit of sewage upon the wide flats and marshes of the river, and which is said to be the cause of much malarial disease.

A sufficient and systematic improvement that will result in deepening such portions of the river as require it, and in reclaiming the flats spoken of, therefore seems desirable in the interest of public health as well as of navigation.

The full extent of an improvement that will meet the needs of the locality and, at the same time, not injuriously diminish the tidal prism, can be determined from the survey contemplated by the resolution.

The date at which the resolution requires the project to be submitted, viz, the first Monday in December next, gives but a short time in which to make the survey and examinations required, and in which to compute the cost of plans. I therefore beg leave to suggest that the time be extended to January 20, 1898.

Senate resolution 28 is herewith returned, with the foregoing suggestion noted thereon.

Very respectfully, your obedient servant,

CHAS. J. ALLEN,
Lieutenant-Colonel, Corps of Engineers.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, United States Army, Washington, D. C.

The Secretary of the Navy reports as follows:

NAVY DEPARTMENT,
Washington, July 8, 1897.

SIR: Referring to the joint resolution (S. R. 28) "making an appropriation for the improvement of the Anacostia River and the reclamation of its flats," and to the committee's request of the 25th ultimo for a report in regard thereto, I have the honor to state that it appears from reports received concerning this matter that the interests of the Navy require that substantial improvement of the Anacostia River and of the flats adjacent thereto be made at the earliest practicable date. The senior medical officer on duty at the navy-yard, Washington, reports that during the past few years there has been an alarming increase in the number of cases of malarial diseases among the officers and enlisted men on duty at said yard; and the representative of the Bureau of Yards and Docks at said yard has submitted the following recommendation, which is concurred in by the Bureau:

"In making the proposed improvements of the Anacostia River it is very essential that the interests of this navy-yard be taken into consideration.

"It is recommended that a channel be dredged from the mouth of the river to the Navy-Yard Bridge 24 feet deep at mean low water and 200 feet wide, with a basin in front of the yard 500 feet wide and of the same depth."

Inasmuch as it is deemed probable that the surveys and plans provided for by the joint resolution above referred to will eventually lead to a much-needed improvement of the Anacostia River and flats, this Department perceives no objection to the passage thereof, provided that the interests of the Washington Navy-Yard are guarded as indicated in the above-quoted report.

Very respectfully,

JOHN D. LONG,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA,
United States Senate.

The Commissioners of the District of Columbia also report favorably, as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 26, 1897.

DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend favorable action, at the earliest practicable moment, upon Senate resolution No. 28, entitled "Joint resolution making an appropriation for the improvement of the Anacostia River and the reclamation of its flats," which was referred to them at your instance for their examination and report.

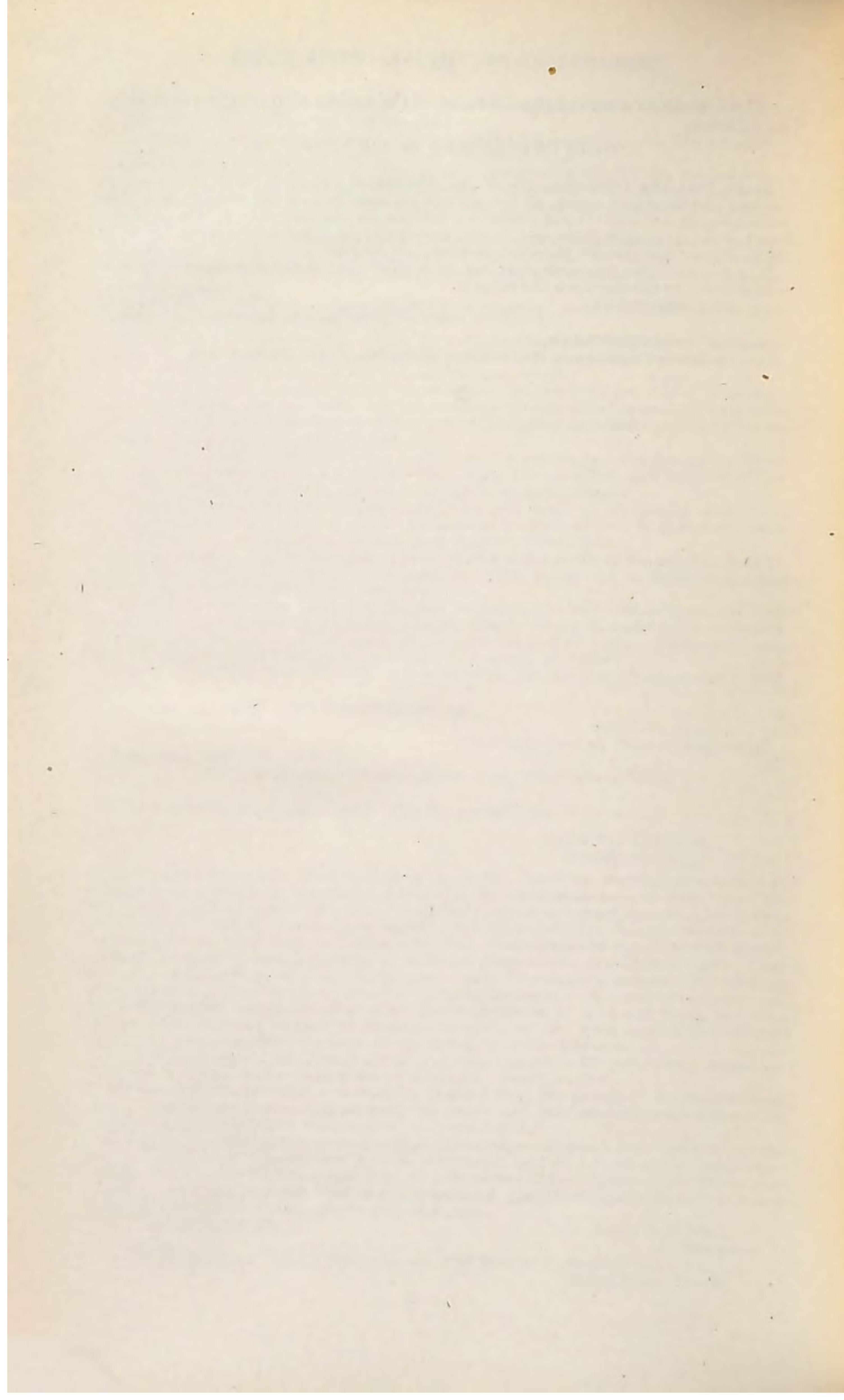
The merits of the proposed work are so evident that the Commissioners deem it unnecessary to enlarge upon the subject.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Senator JAMES McMILLAN,
Chairman Committee on the District of Columbia, United States Senate.





UNION IRON WORKS OF SAN FRANCISCO.

JANUARY 17, 1898.—Ordered to be printed.

Mr. STEWART, from the Committee on Claims, submitted the following

R E P O R T

[To accompany S. 2399.]

The Committee on Claims, to whom was referred the bill (S. 2399) "for the relief of the Union Iron Works of San Francisco, Cal.," submit the following report:

This case arises out of the technical failure of the Union Iron Works of San Francisco, Cal., to maintain the horse power required by their contract for the *Monterey* during the official trial. The contract requirement was that an indicated horse power of propelling engines, air pump, and circulating pump engines of 5,400 should be maintained for four consecutive hours. The total horse power developed by these engines during the trial aforesaid was only 5,071.77, though for an hour and three-quarters the power was maintained above that required, and then fell off, owing to inefficient firing of the boilers. By reason of the deficiency in horse power of 328.23 a deduction of \$32,823 was made from the amount paid the contractors, on the basis, as provided in contract, of \$100 per indicated horse power which the contractor should fall short of the required 5,400.

The evidence shows that this failure to develop the full horsepower during the contract trial was due, not to any lack of power of the engines, which the contractors claim are fully capable of developing the 5,400 horsepower and more, but that such failure was due to inefficient firing and attendance upon the machinery. The Navy Department admits the correctness of this claim. The Bureaus of Construction and Repair, and Steam Engineering, in a joint report on the trial and acceptance of the *Monterey*, dated February 2, 1893, say:

From a careful study of the data received from the trial board and the note books of the assistants engaged we are of the opinion that with proper firing and attendance on the machinery a sustained power of at least 5,400 indicated horsepower can easily be maintained for four hours. * * *

Under the terms of the *Monterey* contract the Secretary of the Navy had no authority to consider the equities of the contractors, and the full amount of penalty, \$32,823, was deducted from their final payments.

The Chief of the Bureau of Steam Engineering in his annual report, dated September 29, 1893 (see pp. 438, 439, Annual Report, Secretary of the Navy, 1893), referring to the trial of the *Monterey*, says:

That the horsepower was not steadily maintained was due to inefficient firing, the officer who was on duty in the fire room remarking, "It is my opinion that the firing was not such as to accomplish the best results; there appeared to be little personal interest among the firemen as to success or failure." The power was maintained above that required for about an hour and three-quarters, and then fell off.

It is to be noted that the supply of firemen on the Pacific coast is limited, and few of them have experience with forced draft. There can be no doubt that, with men of greater experience, the trial would have been a success in every way.

A bill similar to the one now under consideration was introduced during the last session and referred to the Secretary of the Navy for his opinion and recommendation. The Assistant Secretary, Hon. William McAdoo, returned the bill with the following recommendation:

NAVY DEPARTMENT,
Washington, February 18, 1897.

SIR: Referring to the committee's letter of the 16th instant, inclosing a copy of the amendment intended to be proposed by Mr. White to the naval appropriation bill, authorizing the remission to the Union Iron Works of the horsepower penalty, in the sum of \$32,823, imposed under the contract for the construction of the armored coast-defense vessel *Monterey* and requesting the views of the Department with regard thereto, I have the honor to state that after a careful perusal of the contract for said vessel and of the report dated January 19, 1893, of the board appointed to witness her official trial, the indorsement and recommendation thereon dated February 2, 1893, of the Bureaus of Construction and Repair and Steam Engineering and the decision of February 6 of the then Secretary of the Navy, the whole matter having been settled under the contract prior to the beginning of this Administration, I am convinced that the equities of the contractors are strong, they having evidently endeavored to carry out the requirements of the Department to the fullest extent in the construction of the vessel, and having succeeded, as shown by the reports of the board and the bureaus, in furnishing her with excellent machinery capable of meeting satisfactorily every demand that may be made upon it, and the proposed measure for their relief is therefore recommended to the favorable consideration of the committee.

The bill of the present session now before your committee was referred to the present Secretary of the Navy for his opinion and report, who returned the bill with the following recommendation:

NAVY DEPARTMENT,
Washington, November 11, 1897.

SIR: Referring to your letter of the 10th instant, inclosing a bill (S. 2399) for the relief of the Union Iron Works from the penalty imposed under the contract for the construction of the *Monterey* on account of the failure of that vessel's machinery to develop, on trial, the horsepower required, I have the honor to state that in view of the matters mentioned in the communication addressed by the Department to the chairman of the Senate Committee on Naval Affairs, under date of the 18th of February last, a copy of which accompanies your letter, and of the facts stated in the reports therein referred to (copies transmitted therewith), the petition of the contractors for remission of the penalty exacted, as stated above, seems to be founded on equitable considerations.

I concur, therefore, in the Department's previous action recommending this measure to the favorable consideration of the Committee on Naval Affairs of the Senate.

The inclosures of your communication are herewith returned as requested.

Very respectfully,

JOHN D. LONG, *Secretary*.

HON. WILLIAM M. STEWART,

Subcommittee Committee on Claims, United States Senate.

Your committee is satisfied from the evidence, including the findings of the Construction and Steam Engineering Bureaus of the Navy Department, having direct control of the trial and acceptance of the *Monterey*, that her engines are fully capable of developing the maximum

horsepower of 5,400 required by the contract, and that their failure to sustain this maximum horsepower for the full contract period of four hours was a technical failure, due to inefficient attendance. It would, therefore, be harsh, inequitable, and oppressive to refuse this application for remission and to punish the contractors for a mere technical failure of the contract requirements, especially as the present Secretary of the Navy and his predecessor have both recommended the remission.

Congress has in all such cases remitted penalties imposed under contracts for Government vessels where it has been shown that the Government has sustained no loss, and the contractor was equitably entitled to relief. The following is a list of some of the cases where Congress has granted relief:

Petrel, built by Columbian Iron Works, Baltimore, Md. Penalties amounting to \$56,450 remitted by Fifty-first Congress at first session. (See vol. 26, p. 1303, Stat. L.)

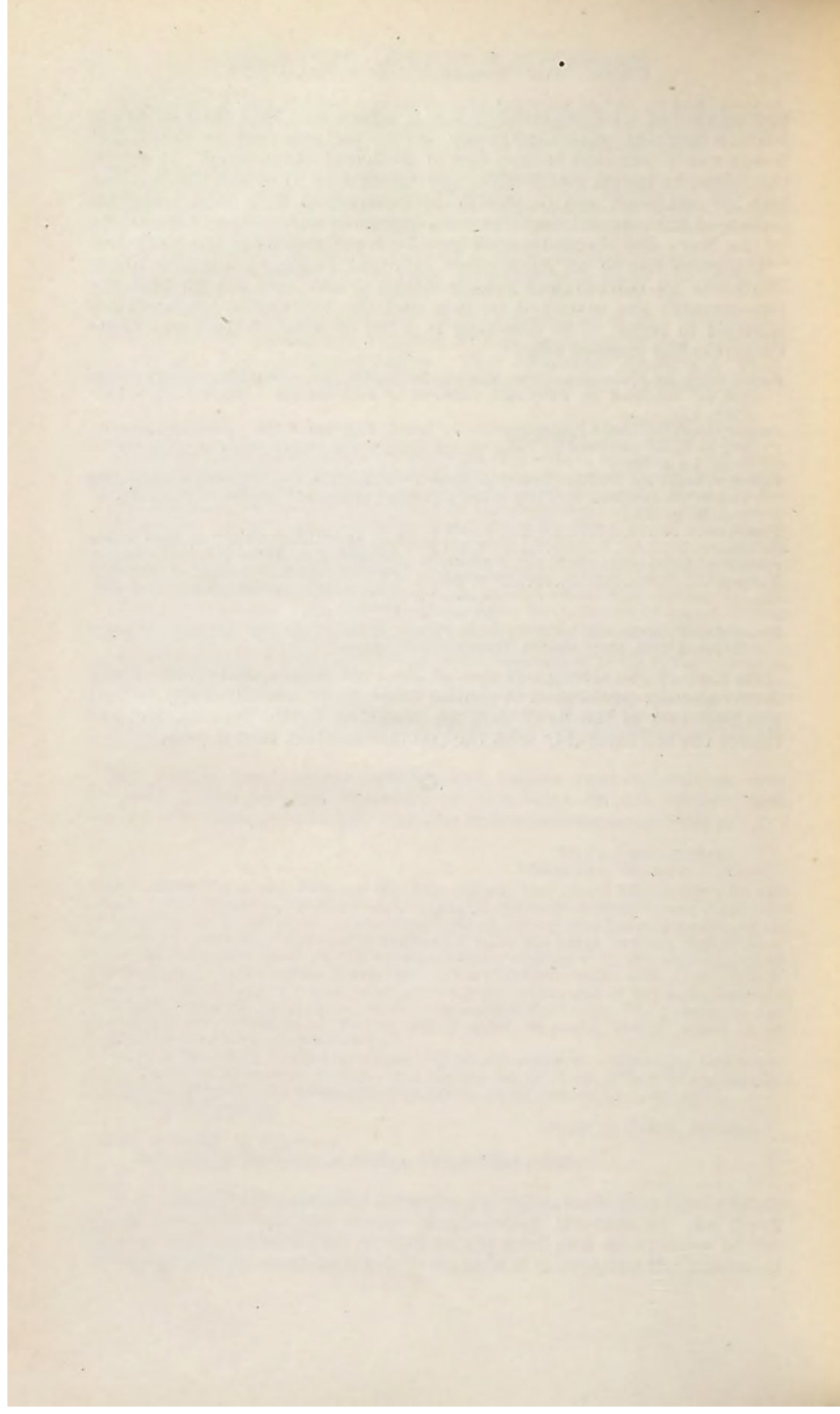
Pansey, built for Light-House Service by Baird, Houston & Co. Penalties amounting to \$1,250 remitted by Fifty-second Congress at second session. (See vol. 27, Stat. L., p. 421.)

Vesuvius, built by William Cramp & Sons, Philadelphia, Pa. Penalties amounting to \$39,700 remitted by Fifty-third Congress at second session. (See Stat. L., vol. 28, p. 141.)

<i>Yorktown</i>	\$7,575	} Built by William Cramp & Sons, Philadelphia, Pa. Penalties amounting to \$40,350 remitted by act of March 2, 1895, third session Fifty-third Congress.
<i>Baltimore</i>	7,625	
<i>Philadelphia</i>	19,100	
<i>Newark</i>	6,050	
	40,350	

Concord and *Bennington*, built by N. F. Palmer & Co. Penalties remitted by act of March 2, 1895, third session Fifty-third Congress.

In view of the strong equities of the contractors, and of the precedents already established in similar cases, your committee agrees with the Secretary of the Navy that the penalties should be remitted, and report the bill favorably with the recommendation that it pass.



CLAIM OF UNION IRON WORKS.

JANUARY 17, 1898.—Ordered to be printed.

Mr. STEWART, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 2398.]

The Committee on Claims, having under consideration the bill (S. 2398), "to pay the Union Iron Works of San Francisco, Cal., for extra work on the *Monterey*," report the same as follows:

The committee finds that during the second session of the Fifty-fourth Congress the Secretary of the Navy, Hon. H. A. Herbert, recommended that this claim be paid in the following letter to Congress, which is printed in Senate Document No. 89, Fifty-fourth Congress, second session:

NAVY DEPARTMENT,
Washington, January 23, 1897.

To the Senate and House of Representatives in Congress assembled:

The act making appropriations for the naval service for the fiscal year ending June 30, 1897, contains the following provision:

"The Secretary of the Navy is hereby authorized and directed to examine claims against the Government which may be presented to him by contractors for the building of the hulls or machinery of naval vessels under contracts completed since January first, eighteen hundred and ninety-one, where it is alleged that such contractors have been subjected to loss and damage through delays in the work under said contracts which were not the fault of said contractors, but were due to the action of the Government, and to report to the next session of Congress the result of said investigation, and whether said claims are, in his opinion, subjects for the jurisdiction of the Court of Claims or for the action of Congress upon the same."

Under authority of this law the Union Iron Works has presented a claim against the Government for loss and damage due to delays alleged to have been caused by the Department in the construction of the armored coast-defense vessel *Monterey*. A copy of said claim is transmitted herewith, and it will be observed that the grounds for the same are set forth in a letter addressed to the Department by the contractors under date of June 18, 1892, and certain indorsements thereon by the Secretary of the Navy, and a letter dated February 11, 1893, relative thereto, by the Judge-Advocate-General.

The whole amount stated in the claim is \$30,839.89, of which \$17,339.89 represents actual outlay alleged to be due to the delay caused by the failure of the Department to deliver the armor and its accessories, as required by the contract for the construction of the vessel, while the remainder, \$13,500, represents interest on the mean deferred payment of \$300,000 for nine months at 6 per cent a year, the amounts claimed on account of the several items having been furnished in a statement dated January 30, 1893, after the completion of the vessel.

This claim, unlike those transmitted to the Congress with the Department's letters of the 8th of December last, was, very soon after being presented to the Department, viz, on the 16th of February, 1893, and only ten days after the preliminary acceptance of the *Monterey*, submitted to a board of naval officers for audit, and said board made its report under date of the 20th of said month (copy inclosed herewith), by which it appears that, in its opinion, the contractors were entitled to reimbursement of the expenses incurred by them on account of the matters mentioned in their letter of the 18th of June, 1892, and that the board found that the Government was

fairly and properly indebted to the contractors in the sum of \$14,742.58, the difference between this sum and the amount claimed being due to the allowance by the board of smaller sums than were claimed on several of the items, and the disallowance of the \$13,500 interest claimed on deferred payments.

The Bureau of Construction and Repair approved said report in its indorsement thereon, dated March 2, 1893 (copy herewith), subject to the Department's decision as to whether the amounts allowed by the board on certain of the items could be paid under the terms of the contract, but the Department, on the 3d of said month, by indorsement (copy herewith), declined to authorize payment of the amount found due by the board on the ground that it was not within its power to do so, in view of the terms of the contract for the construction of the vessel.

Should the contractors be content to accept as settlement in full the amount found by the board above mentioned from its examination of the circumstances of the case, practically at the time of their occurrence, the members of the board, as the board on changes on said vessel during her construction, having been familiar with the matters considered by them, and the Department having, in its indorsement of the 3d of March, 1893, expressed the opinion that the claim was to said extent meritorious, it would seem that such amount might properly be appropriated for payment thereof; but if, as appears from the papers submitted, they claim the entire amount set forth in their itemized statement of January 30, 1893, it is recommended that the whole matter be referred to the Court of Claims for determination.

Very respectfully,

H. A. HERBERT, *Secretary.*

The bill now under consideration (S. 2398) was referred to the present Secretary of the Navy for his opinion, and the following is his reply:

NAVY DEPARTMENT,
Washington, October 11, 1897.

SIR: The Department has the honor to acknowledge the receipt of your communication of the 9th instant, inclosing copies of the bill (S. 2398) "to pay the Union Iron Works, of San Francisco, California, for extra work on the *Monterey*," and of Senate Document No. 89, Fifty-fourth Congress, second session, and requesting its recommendation and views in regard to the passage of said bill.

In reply I have to state that it appears from an examination of the matter above mentioned that the amount proposed by the bill in question to be paid to the Union Iron Works on account of extra work and expenses in constructing the U. S. S. *Monterey* was found by a board, duly appointed by this Department, to be due said company, and that the report of said board was approved by the Bureau of Construction and Repair; that Mr. Secretary Tracy, in his action of March 3, 1893, upon said report, stated that the items of expense allowed by the board were equitably due the contractors, and that he could not direct their payment because they were not provided for in the contract for the construction of the vessel, and also because the contract time for her completion had already expired and the vessel had been preliminarily accepted, and that in a letter on this subject to the Congress, dated January 23, 1897, Mr. Secretary Herbert stated that should the contractors be content to accept as settlement in full the amount found by the board to be due them, it would seem that such amount might properly be appropriated for the payment of their claim.

In view of all the foregoing, the bill in question is recommended to the favorable consideration of the Committee on Claims.

The inclosures of your communication are herewith returned, as requested by you.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. WILLIAM M. STEWART,
Committee on Claims, United States Senate.

The following clause passed both Houses in the general deficiency bill, H. R. 10329 (Calender No., 1713), Fifty-fourth Congress, second session:

For payment in full to the Union Iron Works, of San Francisco, the amount found due said company by the Department for extra work and expenses in constructing the *Monterey*, fourteen thousand seven hundred and forty-two dollars and fifty-eight cents.

The bill failed to receive the signature of the President, owing to lack of time for its examination before the adjournment of Congress.

Your committee report back the bill and recommend its passage.

PAYMENT TO CERTAIN ENLISTED MEN OF THE MARINE
CORPS.

JANUARY 17, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Naval Affairs, submitted the
following

REPORT.

[To accompany S. 2771.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2771) for the relief of certain enlisted men of the Marine Corps, make a favorable report upon the same.

The bill was introduced at the instance of the Secretary of the Navy for the purpose of reimbursing certain enlisted men of the Marine Corps for the value of clothing lost by them during the fires that occurred at the navy-yard, Washington, on April 22 and 29, 1897. The letter of the Secretary of the Navy transmitting the bill is given below.

NAVY DEPARTMENT,
Washington, December 13, 1897.

SIR: I have the honor to inclose herewith, for the consideration of the Committee on Naval Affairs, a draft of a bill for the reimbursement of certain enlisted men of the Marine Corps for the value of clothing lost by them during the fires which occurred at the navy-yard, Washington, on April 22 and 29, 1897.

From the correspondence on file in this Department, it appears that the clothing was damaged to such an extent as to become worthless, while the owners were engaged in saving Government property which was in danger of destruction by fire, and without any negligence on the part of the owners thereof; and inasmuch as the accounting officers of the Treasury have ruled that to compensate the men for the loss sustained by them it is necessary that an appropriation be made by Congress, I respectfully recommend that the inclosed bill may receive the favorable consideration of the committee.

Very respectfully,

JOHN D. LONG, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,

United States Senate.

S. Rep. 1—11

URGENT DEFICIENCY BILL.

JANUARY 17, 1898.—Ordered to be printed.

Mr. HALE, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 6251.]

The Committee on Appropriations, to whom was referred the bill (H. R. 6251) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, report the same to the Senate with amendments, with a statement showing the amount of the bill as passed the House of Representatives and the amount as reported to the Senate, with the items of increase recommended thereto.

URGENT DEFICIENCY APPROPRIATIONS, 1898 AND PRIOR YEARS.

Amount of House bill.....	\$1, 741, 843. 28
Increase recommended by the committee.....	150, 080. 60

Amount as reported to the Senate.....	1, 891, 923. 88
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The items of increase recommended by the committee are as follows:

INCREASE.

For the Nicaragua Canal Commission.....	\$100, 000. 00
For office of Auditor for State and other Departments.....	745. 00
For the Fish Commission.....	5, 000. 00
For the Marion Branch, National Home for Disabled Volunteer Soldiers.....	4, 664. 00
For geological and topographical surveys in Alaska.....	20, 000. 00
For expenses of the Senate.....	19, 671. 60
Total.....	150, 080. 60

CAPT. WILLIAM N. TISDALL.

JANUARY 17, 1898.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 399.]

The Committee on Military Affairs, after the consideration of the bill (S. 399), "To provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of Major," recommend its passage.

A similar bill (S. 1427) was favorably reported by the committee and passed the Senate in the Fifty-fourth Congress. The report (1202) heretofore made is adopted as a part of this report as follows:

The Committee on Military Affairs to whom was referred the bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major, have had the same under consideration, and report as follows:

This case is one of unusual hardship. On the eve of promotion to the rank of major, being virtually within two files of that grade, Captain Tisdall was retired for age April 6, 1895. In thirty-six days he would have reached a majority.

Captain Tisdall's brief presents a striking illustration of the unequal working of the system of regimental promotion, as he was appointed second lieutenant in the Regular Army October 24, 1861; promoted first lieutenant July 2, 1863, and captain January 13, 1869; at the date of retirement being in his thirty-fourth year of continuous service, and in his twenty-seventh year as captain. The brief also shows 37 officers (majors and lieutenant-colonels) on the present active list of the infantry corps, all of whom, with the exception of 4 lieutenant-colonels (who were appointed second lieutenants on the same date he was), entered the service at various periods after he did. His advancement was retarded by this system, as, had promotion been lineal, as it eventually will be by the act of Congress of 1890, he would have been retired with the rank of lieutenant-colonel.

Several years ago, when Congress was endeavoring to correct this injustice, a list was prepared showing the readjustment by relative rank that would result from the passage of the bill then pending. This list comprised 144 captains of infantry, not taking cognizance of majors and lieutenant-colonels, who had been advanced over their seniors. Upon this list Captain Tisdall stood No. 2.

Congress has recognized the justice of promoting officers on the retired list by the acts approved September 29 and October 1, 1890. Under the operation of these laws several officers were promoted on the retired list. A few precedents, from the many cited from the Army Register, 1896 (pp. 243, 179, 182, 195, 196, respectively), are herewith submitted:

"Capt. Joseph Conrad, Eleventh Infantry; retired with the rank of colonel, October 23, 1882. (Act August 7, 1882.)"

"Major Lewis Merrill, Seventh Cavalry; retired with the rank of lieutenant-colonel, January 21, 1891. (Act September 27, 1890.)"

"Capt. George M. Wheeler, Engineer Corps; retired with the rank of major, October 2, 1890. (Act September 27, 1890.) Entered the Army after the close of the late war. (See Senate report No. 923, Fifty-first Congress.)"

"First Lieut. Thos. W. Lord, Twentieth Infantry; retired with the rank of captain, January 28, 1890. (Act August 11, 1888.)"

"First Lieut. Geo. W. Kingsbury, Twelfth Infantry; retired with the rank of captain, October 2, 1890. (Act September 27, 1890.)"

"First Lieut. Henry H. Bellas, Fourth Cavalry; retired with the rank of captain, October 3, 1890. (Act September 27, 1890.) Entered the Army October 1, 1873. No war record."

In view of the above facts your committee recommend that the bill be passed.

○

PETER BUCKLEY.

JANUARY 17, 1898.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 3105.]

The Committee on Military Affairs, having duly considered the bill (S. 3105) "To correct the military record of Peter Buckley," recommend that it do pass.

A precisely similar bill (S. 2355) passed the Senate on favorable report (No. 1112) of the committee and was favorably reported in the House during the Fifty-fourth Congress.

So much of the report of this committee above referred to as follows is adopted and made a part of this report, viz:

The Committee on Military Affairs, to whom was referred the bill (S. 2355) to remove the charge of desertion from the military record of Peter Buckley, have had the same under consideration, and submit the following report with an amendment to the bill:

Peter Buckley, now of Norwalk, Conn., was born December 25, 1840. He was enlisted as a private April 20, 1861, in Company E, Eleventh New York Volunteers, otherwise known as the Ellsworth Zouaves, to serve two years. He was returned as a deserter August 1, 1861. When he enlisted he was a minor, and his guardian was Dr. Drake, of New York, now dead. George W. Quintard, of the Quintard Iron Works, of New York City, certified that Buckley was an apprentice under him at the Morgan Iron Works up to April, 1861; that he was not of age, and left before his time had expired.

The evidence shows that young Buckley ran away and enlisted without the consent of his guardian. At the battle of Bull Run, July 21, 1861, the regiment was badly broken up. A part of the regiment was afterwards stationed at Annapolis, Md. During that time Capt. J. B. Leverich, of Company E, gave Buckley and others leaves of absence to go to New York City. They went there in charge of Lieutenant Berry. Dr. Drake, guardian, refused to let Buckley return, and ordered him back to his work in the iron works, promising to obtain his honorable discharge as a minor when the regiment should be mustered out.

Buckley declares that the first notice he had that he was returned as a deserter was when he applied, October, 1886, for his discharge. Two credible witnesses testify as to the refusal of the guardian to let Buckley return to service because the guardian was on Buckley's apprenticeship bond. These witnesses were workmen with Buckley. One of them, who worked beside Buckley in the same room, heard these facts at the time from the guardian and from Buckley.

Buckley was where he could have been easily reached at any time if he had been treated as a deserter. It is in evidence that he is and has been a man of excellent reputation, a consistent member of the church, which has contributed a large part to his support.

Buckley made application under the act of July 5, 1884, for relief, but his case did not come within the law.

Under the circumstances the committee recommend the passage of the bill.

REGULATION OF COMMERCE BETWEEN THE STATES.

JANUARY 17, 1898.—Ordered to be printed.

Mr. HOAR, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany Senate Res. No. 119.]

The Committee on the Judiciary, who were directed by Senate resolution No. 119 to consider and report, by bill or otherwise, what legislation, if any, is necessary to give full effect to the purpose of the statute approved August 8, 1890, entitled "An act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases," respectfully report:

That all the legislation that is now necessary and expedient to give full effect to said statute is contained in Senate bill No. 224, which was passed by the Senate, without division, on July 15, 1897, and is now pending in the House of Representatives, and which in the judgment of this committee should become a law.

○

MRS. EMMA D. LARSH AND CHARLES M. LARSH.

JANUARY 17, 1898.—Ordered to be printed.

Mr. WARREN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 1640.]

The Committee on Claims, to whom was referred the bill (S. 1640) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh, have had the same under consideration and recommend that the bill do pass.

The bill passed the Senate in the Fifty-fourth Congress and was favorably reported by the Committee on Claims of the House of Representatives. It has also been favorably reported from the Senate Committee on Public Lands at the present session, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 1640) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh, of Denver, Colo., have had the same under consideration and respectfully recommend that the bill do pass.

The facts in this case are set forth in a favorable report made on a bill of like purport from the Committee on Claims of the House of Representatives in the first session of the Fifty-fourth Congress (Report No. 1305), as follows:

[House Report No. 1305, Fifty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bills (H. R. 2475) for the relief of Mrs. Emma D. Larsh and (H. R. 2478) for the relief of Charles M. Larsh, having had them under consideration, report them back, and recommend in lieu thereof, as a substitute, the bill H. R. 8221, with the recommendation that said bill do pass.

It is shown by the records of the General Land Office that on May 1, 1893, Emma D. Larsh made desert entry, No. 551, on section 9, township 24 north, range 68 west, sixth principal meridian, in the Cheyenne (Wyo.) local land office, and that on February 25, 1885, she made final desert entry, No. 213, on the land entered.

The same records show that on the same date and in the same local land office Charles M. Larsh made desert entry, No. 549, on section 3, township 24 north, range 68 west, sixth principal meridian, and that on February 25, 1885, he made final desert entry, No. 212, on this land.

The records of the General Land Office show that the total amount paid by Mrs. Emma D. Larsh was \$816, exclusive of land-office fees, and that Charles M. Larsh paid a total sum of \$816.98, exclusive of fees.

These entries were all proved up on a letter of instruction from Secretary of the Interior Teller to the Commissioner of the General Land Office, dated February 9, 1885 (L. and R., 863).

The entries stood thus until in the month of January, 1887, when the Commissioner of the General Land Office ordered a special agent to investigate these and other entries in that section; and after the agent had made his investigations he informed claimants that under his instructions from the Land Office he would be

compelled to report their entries for cancellation, and would further report their cases to the United States attorney for prosecution; and the claimants, being ignorant of their legal rights under the law, and to save themselves from worry and vexatious criminal prosecutions threatened, and acting under the advice of the Government official, relinquished their entries on January 13, 1887, handed the same to the special agent, who transmitted them to the General Land Office, and the entries were canceled February 5, 1887.

Charles M. Larsh's entry was canceled February 5, 1887. On May 6, 1887, Ulysses G. Drummond made desert entry, No. 3335, on section 3, township 24 north, range 68 west, containing 653.58 acres. On May 1 he made final desert entry, No. 1091, on this entry, and on October 2, 1891, patent was issued to him, and is recorded in volume 5, page 339. On April 12, 1888, Duncan A. McKee made a desert entry on the land relinquished by Emma D. Larsh, and a patent has been issued to him.

All the facts stated so far are acknowledged to be true by the General Land Office, but when the claimants apply for the refunding of their money the officials of the General Land Office say that they can not be paid because the relinquishments were voluntary. To show that the relinquishments were not free and voluntary acts we insert in full a sworn statement of ex-Special Agent of the General Land Office Henry R. Fry, the agent to whom the relinquishments were handed.

Mr. Fry's statement is as follows:

CHEYENNE, WYO., *November 28, 1893.*

MY DEAR COLONEL: Your letter came to hand during my absence at Denver, and is of date 10th instant, making inquiries as to the reasons assigned by C. M. Larsh and others for relinquishing to the Government their desert entries under what is known as the Wyoming Development Company's ditch in Laramie County, Wyo. I will state briefly:

Under instructions of the General Land Office, given to us as special agents in making examinations of entries for patents, we were kept down to a very strict compliance with the letter of the laws relating to the entries to be examined. I visited the entries in question and concluded it would be my duty to report them for cancellation, and also recommend to the United States district attorney that he prosecute the entrymen for perjury, for, as I conceived it, one course must follow the other.

At the same time, from personal acquaintance with the parties, I felt very sure that whatever of wrong doing there was done was through ignorance or bad counsel, and not with any intention of defrauding the Government. This, however, was not a matter for me to consider, no matter what my personal feeling to the entryman might be. When I called on Mr. Larsh and stated the case to him he was very much alarmed; said he thought everything was right, as told him by his attorney; but if there was anything that could be done to satisfy the Government he would do it, as he did not want to have any trouble and did not desire to be prosecuted. I informed him that the easiest way out of the difficulty would be to relinquish to the Government, and I would recommend that this would settle matters, and in that case I would have no occasion to recommend criminal prosecution. They all gave me their relinquishment to the entries, which I forwarded to the General Land Office, and in due time the entries were canceled and subsequently filed on by other parties and, I understand, patented. I made this explanation the more readily from the fact that, in the light of subsequent actions of the General Land Office, I fear that I was the innocent cause of doing these entrymen an injustice, and I will state my reasons.

You will recollect that the Wyoming Development Company had many entries in the same section, presumed to be watered from the same ditch, with conditions very similar. Those lands have all been patented since 1890, and the forty-odd desert entries of the Union Cattle Company in Goshen Hole country, which under my reports were held for cancellation in the Cheyenne land office, and which action was sustained by both the Commissioner and Secretary of the Interior on appeals. Those entries, I am now credibly informed, have since 1890 been all patented to the claimants. From a personal examination of all these entries I am as sure that as good faith was shown in the work done on the Larsh claim as any of them, and it was no doubt the fear of criminal prosecution and unenviable notoriety incident thereto which caused those parties to relinquish their entries. I do not know why you desire this information, but I have given you the main facts in the case. * * *

Very truly, yours,

HENRY R. FRY.

Col. J. A. GEORGE, *Washington, D. C.*

CITY OF WASHINGTON, *District of Columbia*, ss:

Henry R. Fry, being first duly sworn, deposes and says: That the statement set forth in the foregoing letter, relating to the relinquishment of the entries, are true

to the best of his knowledge and recollection of the facts as they occurred at the time stated.

HENRY R. FRY.

Subscribed and sworn to before me this 7th day of May, 1894.

[SEAL.]

RANDOLPH D. HOPKINS, *Notary Public*.

This letter of Mr. Fry's absolutely disproves the charge that the relinquishments were voluntary. On the contrary, it establishes the fact that the entries were relinquished to save the claimants from the unenviable notoriety of criminal prosecution where no crime or intention to commit crime was ever intended.

As the two entries are identical and all the circumstances the same in both cases, and as the claimants are man and wife, your committee have embodied both bills in one, and report back H. R. 8221 as a substitute for H. R. 2475 and H. R. 2478.



INVESTIGATION OF LEPROSY.

JANUARY 18, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Public Health and National Quarantine, submitted the following

REPORT.

[To accompany S. 2904.]

The Committee on Public Health and National Quarantine, to whom was referred the bill (S. 2904) for the investigation of leprosy, have examined the same and report:

The reasons for the proposed legislation are fully set forth in the following letter from the Supervising Surgeon-General of the Marine-Hospital Service:

TREASURY DEPARTMENT,
OFFICE SUPERVISING SURGEON-GENERAL
MARINE-HOSPITAL SERVICE,
Washington, D. C., January 13, 1898.

Hon. GEORGE G. VEST,
*Chairman Committee on Public Health and
National Quarantine, United States Senate.*

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, referring to Senate bill No. 2904, with the request that I furnish your committee with such suggestions as I may deem proper in the premises touching on the merits of the bill and the propriety of its passage.

With regard to Senate bill 2904, authorizing the Surgeon-General of the Marine-Hospital Service to cause an investigation to be made relative to the origin and prevalence of leprosy in the United States, I have to state that in view of the fact that leprosy is known to exist in quite a number of places in this country there is a prevailing opinion among the sanitary authorities that there are many more of these cases than have been recorded. Moreover, there has been a confusion of ideas about the danger of its spread. In one locality the disease is reported to be slowly spreading, and each year there are noted fresh foci of the disease, while, on the other hand, the reported isolated cases are a subject of discussion as to whether they are a menace.

So far there has been no systematic inquiry made with regard to the origin and prevalence of the disease in the United States. Some valuable reports have been made of the prevalence and behavior of this disease in one or two localities. Further than this the information is imperfect and fragmentary.

That the disease is contagious no one at present will deny. The International Leprosy Conference, which met in Berlin in October last, declared that the disease is not only contagious, but when introduced into a country the history shows that it invariably spreads, each case forming a nidus of infection, and sooner or later other cases followed. This fact has been recognized by a few of the State and local authorities where there were a considerable number of cases, and restrictive measures are now enforced to prevent its further spread. In many places from which

isolated cases have been reported no such measures have been generally practiced. The Marine-Hospital Service has been notified of the existence of such cases and has been requested to assume charge of them, and when it was ascertained that there was no law for such procedure these cases have been turned adrift to go wherever they pleased.

In this connection I would state that it is believed that there are many more cases of leprosy in the United States than are actually known. Recent investigation and study of the disease has demonstrated that there are quite a number of obscure forms of nervous and skin diseases which were heretofore considered as separate and distinct are nothing more or less than leprosy.

Before any rational measures can be undertaken by the National Government, if such a conclusion is justifiable, it will be necessary to inquire further into the origin and prevalence of the disease, and to determine just how far it is a menace to our people.

The expenses of such an inquiry would be small; a sum sufficient to meet the expenses of travel of the officers detailed to this duty would be all that is required. This could be properly paid from the fund for the prevention of epidemic diseases.

The bill meets with approval, and I would respectfully recommend that favorable action be taken thereon.

Respectfully, yours,

WALTER WYMAN,
Supervising Surgeon-General, Marine-Hospital Service.

Approved:

L. J. GAGE, *Secretary.*

Your committee recommend the passage of the bill.



GEORGE L. DURBIN.

JANUARY 18, 1898.—Ordered to be printed.

Mr. SHOUP, from the Committee on Pensions, submitted the following
REPORT.

[To accompany S. 853.]

The Committee on Pensions, to whom was referred the bill (S. 853) granting an increase of pension to George L. Durbin, have examined the same and report:

The records of the War Department show that this soldier enlisted May 9, 1864, in Company I, One hundred and thirty-fourth Regiment of Indiana Volunteer Infantry, and was mustered out September 2, 1864; also that he reenlisted January 27, 1865, in Company G, One hundred and forty-sixth Indiana Volunteer Infantry, as a corporal, and was honorably discharged August 31, 1865. According to the affidavit of comrades, the claimant was a good and faithful soldier, trustworthy and reliable, and addicted to no vicious habits whatever.

On the 8th of January, 1875, the beneficiary of the bill was caught in a terrible blizzard in Wyoming and was badly frozen, which resulted in the amputation of both feet. Immediately after the passage of the act of June 27, 1890, he made application for pension, alleging loss of both feet, rheumatism, and fainting spells.

He was examined by the board of examining surgeons in Cheyenne, Wyo., April 3, 1891, who reported, in addition to the loss of both feet, "marked valvular disease of the heart," and gave him a rating of \$72 per month under the general pension laws. Pension was allowed at \$12 per month, the maximum rate under the act of June 27, 1890.

Hon. Francis E. Warren, United States Senator from Wyoming, has filed a written statement in the case, in which he states as follows:

Referring to S. 853, in favor of George L. Durbin, I beseech your committee to report it liberally and favorably at the earliest possible date, in order to relieve the wants of a very needy man.

I know Mr. Durbin personally. Financially he is without means, and is not in physical condition to support himself.

From the foregoing statements it would appear that this man is utterly helpless, and without any means of support but the pension he is now enjoying, and this is wholly insufficient to supply him with the requirements that his condition calls for.

After giving due consideration to the foregoing facts, your committee is of the opinion that the bill is a meritorious one, and recommend its passage.

ORIGINAL ARTICLES

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HATTIE E. GUSLER.

JANUARY 18, 1898.—Ordered to be printed.

Mr. SHOUP, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 2555.]

The Committee on Pensions, to whom was referred the bill (S. 2555) granting a pension to Hattie E. Gusler, have examined the same and report:

The claimant is the widow of William H. Gusler, late a member of Company M, First United States Cavalry, who, according to the records of the War Department, enlisted July 1, 1869, and was assigned to Troop C, First United States Cavalry, and was honorably discharged after a reenlistment May 5, 1880, on surgeon's certificate of disability. He applied for and was granted a pension on account of rheumatism, at the rate of \$6 per month, under the general pension laws. The soldier was admitted to the Idaho Insane Asylum, at Blackfoot, as an insane patient June 19, 1894, where he was confined until his death, May 13, 1895.

The claimant applied for pension in June, 1895, under the act of June 27, 1890, but her application was rejected on the ground of no title under that act, as the soldier did not serve in the military or naval service of the United States during the late war of the rebellion.

The claimant also applied for pension under the general pension laws, which application was also rejected, on the ground that the soldier's death was not due to his service in the Army.

The medical evidence on file in the case on this point is as follows: The report of the surgeon of the regiment at the time of the soldier's discharge, May 5, 1880, states that—

I have carefully examined the said Sergt. William H. Gusler * * * and find him incapable of performing the duties of a soldier because of chronic rheumatism, principally muscular, originating in line of duty. Has been in hospital and comparatively helpless since September 12, 1879. Degree of disability total at this time.

F. L. TOWN, Surgeon, U. S. A.

The superintendent of the insane asylum where the soldier was confined, in an affidavit dated July 10, 1895, states:

This statement is made both from memory and the records of said insane asylum, which states that William H. Gusler was admitted to said asylum June 19, 1894, from

Alturas County, Idaho; that he was born in Missouri; that he was aged 50 years; that he was married, and that he died of marasmus May 13, 1895.

In a naffidavit dated September 30, 1896, the same superintendent state s:

He [meaning the soldier, William H. Gusler] suffered from delusional insanity and acute mania, with chronic rheumatism, and the cause of his mental state was this rheumatic blood state. I give this data from memory, as I have no clinical record of his case, but the above are substantially the facts.

The family physician of the soldier testified, September 19, 1895, as follows:

I knew one William H. Gusler in his lifetime, and treated him for rheumatism, heart disease, and effects of a saber wound of the skull, contracted in the Army during the war of the rebellion, and I know what his condition was when he was declared insane and sent to the asylum at Blackfoot, Idaho. I was one of the physicians who examined him on the charge of insanity, and made a certificate setting forth said insanity; and my professional opinion as to the cause thereof is as follows, to wit: Dementia, consequence of injury to skull and consequent disease, with rheumatism.

The reason for rejection of the widow's claim under the general law, it will be observed from the medical evidence above quoted, is the doubt as to the cause of the insanity and death of the soldier. In the opinion of your committee, the claim that the soldier's death was the result of his army service is sufficiently established, and the passage of the bill is recommended, with the following amendment:

In line 8, strike out the word "twenty," and insert in lieu thereof the word "twelve."

○

SARAH BRUMM.

JANUARY 18, 1898.—Ordered to be printed.

Mr. SHOUP, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 1345.]

The Committee on Pensions, to whom was referred the bill (S. 1345) granting an increase of pension to Sarah Brumm, have examined the same and report:

The claimant is the widow of George W. Brumm, who, according to the records on file in the case, served in the Union Army during the war of the rebellion from April 20, 1861, to July 20, 1865, when he was honorably discharged with the rank of major. He was pensioned for locomotor ataxia at the rate of \$8.50 per month from the date of his discharge, which was increased from time to time, until at the time of his death he was receiving \$24 per month.

His widow, the beneficiary named in the bill, applied for pension under the act of June 27, 1890; also under the general pension laws. The claim was allowed under the former act, and she is now drawing a pension of \$8 per month, and \$2 additional for each of two minor children.

The claim under the general laws was rejected on the ground that the cause of the soldier's death—strangulated hernia—was not the result of the pensioned cause.

The only medical evidence on file in the case relating to the soldier's condition preceding his death is the affidavit of Dr. Jesse K. Duboi in which he says:

I knew the deceased, George W. Brumm, during his life, for the period of fourteen years, nearly, and was the medical adviser of said George W. Brumm and his family most of that time.

I was acquainted further with the fact that said George W. Brumm was afflicted with locomotor ataxia, and had been so afflicted for years before his first introduction to me; that said George W. Brumm was a pensioner and drew a pension for said disease; that said locomotor ataxia was progressive in its character and caused such defective coordination of the muscles as to totally incapacitate him from manual labor, and forced him to abandon his trade—watch making and jeweler; that he had color blindness and limitation of the field of vision; that the sympathetic nervous system participated in the ravages of the disease; the joints became enlarged, and other trophic changes occurred, and the pulse became accelerated and permanently so; the motor difficulties increased and repeated gastric crists with vomiting

and diarrhea became frequent, leading to extreme exhaustion; that in addition to, and as a result of repeated vomitings, an ancient hernia became strangulated, and was the immediate cause of his death; that in the opinion of the affiant the deceased would have been bedridden from encroaching arthropathies had not the strangulated hernia intervened to shorten life.

While strangulated hernia was the immediate cause of the soldier's death, your committee are of the opinion that this disability was superinduced by the weak, debilitated, and diseased condition of the soldier on account of the disease for which he was pensioned, locomotor ataxia, and that further evidence to establish this fact should be waived.

The claimant has no income but her pension and no means of support, as is shown by evidence on file in the case.

In view of these facts, and the technicality upon which the claim was rejected, your committee believe that the bill is meritorious, and therefore recommend its passage with an amendment:

Amend by striking out "fifty" and inserting "twenty."



BETHIAH H. ROLLINS.

JANUARY 18, 1898.—Ordered to be printed.

Mr. KYLE, from the Committee on Pensions, submitted the following
REPORT.

[To accompany S. 3179.]

The Committee on Pensions, having considered Senate bill 3179, beg leave to report the same favorably.

Mrs. Bethiah H. Rollins, according to the report from Record and Pension Division, War Department, was employed as nurse in McDougal General Hospital, Fort Schuyler, New York Harbor, and at Augusta, Me., as matron for a period of five months. Mrs. Rollins says she served additional time without appointment, making a total of more than six months. She now lives at Farwell, S. Dak., is 86 years old, and in needy circumstances. Appended herewith is a letter from Colonel Ainsworth.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, January 13, 1898.

SIR: Returning herewith the letter dated December 17, 1897, of your correspondent, Mrs. Bethiah H. Rollins, of Farwell, S. Dak., relative to her employment as hospital nurse, I beg to inform you, in reply to your letter of yesterday, received to-day, that, as shown by the records, Bertha Rollins was employed as a nurse in McDougal General Hospital, Fort Schuyler, New York Harbor, from April 18, 1863, to August 21, 1863, on which latter date she was discharged from that employment, and that Bethiah Rollins was attached to Cony General Hospital, Augusta, Me., as matron, from May 3, 1865, to May 31, 1865, the latter date being that of her discharge from such employment.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. JAMES H. KYLE,
United States Senate.

ADOLPHINE KREZ.

JANUARY 18, 1898.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the
following

REPORT.

[To accompany S. 1467.]

The Committee on Pensions, to whom was referred the bill (S. 1467) granting a pension to Adolphine Krez, widow of Conrad Krez, late colonel Twenty-seventh Wisconsin Infantry and brevet brigadier-general of volunteers, have examined the same and report the bill back with an amendment, and recommend that, as so amended, the bill do pass.

It is shown by a report from the War Department that Conrad Krez made a very creditable record in the Volunteer Army during the late war, entering the service as a private in 1862, and being mustered out after three years of service, described by the President as "faithful and meritorious," and earning the brevet rank of brigadier-general. A review of his military career, with list of the battles in which he participated, is given in the official statement of the War Department, which is herewith appended. It also appears that this officer's widow is by his death left in straitened circumstances and in poor health.

In view of the foregoing your committee recommend that the bill be amended by striking out the words "seventy-five" where they occur in eighth and ninth lines of the bill and inserting in lieu thereof the word "thirty."

*Statement of the military service of Brevet Brigadier-General Conrad Krez, late colonel
Twenty-seventh Wisconsin Infantry Volunteers.*

It is shown by the official records that Conrad Krez enlisted August 21, 1862, as a private in Captain Marschner's company, Twenty-seventh Wisconsin Infantry Volunteers; that he was commissioned colonel September 2, 1862; that he organized, commanded, and drilled the regiment from that time until the completion of the organization; that he was mustered into service as colonel with the field and staff March 7, 1863; that he was present with the regiment until July 13, 1864, when a leave of absence was granted him in orders of that date. He was absent with leave until August 31, 1864, when he returned and resumed command of the regiment. In

orders dated February 27, 1865, he was assigned to the command of the Third Brigade, Third Division, Thirteenth Army Corps, and continued in command of the brigade until relieved in orders dated June 14, 1865. He resumed command of the regiment June 15, 1865, and was mustered out of service with the field and staff as colonel August 29, 1865.

It is also shown by the records that during his service the organization which he commanded participated in the following battles and engagements: The siege of Vicksburg, from May 18 to July 4, 1863; the capture of Little Rock, September 10, 1863; Okalona, Ark., April 3, 1864; Prairie D'Ana, Ark., April 10, 1864; Jenkins Ferry, Ark., April 30, 1864, and Spanish Fort (siege of Mobile), Ala., from March 27 to April 9, 1865.

Under the provisions of the act of Congress approved June 3, 1884, and the act amendatory thereof approved February 3, 1887, he is considered by this Department as commissioned to the grade of colonel, Twenty-seventh Wisconsin Volunteers, to take effect from February 20, 1863. He was brevetted brigadier-general, United States Volunteers, to date March 26, 1865, for faithful and meritorious services during the campaign against the city of Mobile and its defenses.

Official statement furnished to Hon. John L. Mitchell, United States Senate.

By authority of the Secretary of War:

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,

War Department, March 31, 1897.

○

ADJUSTMENT OF CERTAIN CLAIMS AGAINST THE STATE OF TENNESSEE.

JANUARY 19, 1898.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the
following

REPORT.

[To accompany S. R. 6.]

The Committee on Military Affairs, to whom was referred the joint resolution (S. R. 6) providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States, and the amendment proposed thereto, have duly considered the same and submit the following report:

In the Fifty-third Congress S. R. 61, providing for the adjustment of certain claims of the United State against the State of Tennessee and certain claims of the State of Tennessee against the United States, was favorably reported from this committee by Senate Report 245, and was passed by the Senate and favorably reported in the House by House Report 715, but no final action was had. Since the expiration of the Fifty-third Congress the State of Tennessee has authorized the governor of the State to appoint three attorneys at law as agents, to prosecute the claims of the State under his direction, and has directed the funding board not to fund any of the bonds of that State held by the United States, nor to pay any of the coupons or interest thereon until a settlement between the United States and the State of their mutual claims has been effected.

The governor has appointed such attorneys. The United States holds obligations and bonds of the State of Tennessee.

The State of Tennessee presents claims against the United States. These claims should all be speedily and fairly adjusted.

This resolution authorizes the Attorney-General, the Secretary of the Treasury, and the Secretary of War to proceed to confer with the attorneys of the State and make a settlement of all the claims on the part of each—the State of Tennessee and the United States—and if such settlement should show any balance due to the United States from the State of Tennessee the fact is to be reported to the governor, and if payment shall not be provided at the next regular session of the legislature, then the Secretary of the Treasury shall proceed to collect the same by appropriate proceedings in accordance with the terms of the bonds held by the United States; and if the result of such settlement shall show a balance due to the State of Tennessee from the United States then they are to report the same to Congress, with such recommendations as they deem proper. They are to settle all claims and to report to Congress whatever settlement they make, not to be effective until approved by Congress. Your committee recommend the passage of S. R. 6.

MEDICAL CORPS OF THE NAVY.

JANUARY 19, 1898.—Ordered to be printed.

Mr. HALE, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 2872.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2872) to amend section 1370 of the Revised Statutes of the United States, relating to the Medical Corps of the Navy, having had the same under consideration, beg leave to report it back and recommend its passage.

The committee append the views of the Department upon the measure, as follows:

NAVY DEPARTMENT,
Washington, December 13, 1897.

SIR: I have the honor to inclose herewith, for the consideration of the Committee on Naval Affairs, a draft of a bill for the amendment of section 1370 of the Revised Statutes of the United States.

From the report of the Surgeon-General of the Navy for the fiscal year ending June 30, 1897, it is noted that permits to appear before the Naval Medical Examining Board for examination for admission into the Medical Corps of the Navy were issued to 43 candidates, and of the 36 who appeared for examination 8 were rejected physically, 19 professionally, and 9 qualified for admission; and that within the past year the number of vacancies in the corps has increased, there being at the time of making said report 15 vacancies.

In my annual report to the President I commented upon this matter as follows:

"There are 17 vacancies in the Medical Corps, and for these there are practically no candidates who are within the age limit, which is from 21 to 26. With the increase of naval vessels, action should be taken at once to insure the filling of these vacancies. It is strongly recommended that the limit of age for entrance into the Medical Corps of the Navy be raised to 30 years. At 26, the present limit, the graduates of our medical schools, in which the standards of training are steadily rising, are often not yet ready to begin practice. This demand is urgent."

In view of the foregoing, I respectfully recommend that the inclosed bill may receive the favorable consideration of the committee.

Very respectfully,

JOHN D. LONG, *Secretary.*

HON. EUGENE HALE,
Chairman of the Committee on Naval Affairs, United States Senate.

BRIDGE ACROSS OUACHITA RIVER, LOUISIANA.

JANUARY 19, 1898.—Ordered to be printed.

Mr. VEST, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 5516.]

The Committee on Commerce, to whom was referred the bill (H. R. 5516) to grant an extension to the city council of Monroe and the police jury of the parish of Ouachita, La., in which to commence the construction of a traffic bridge across the Ouachita River, opposite the city of Monroe, La., report the same back with the recommendation that it pass.

The original act granting the city council of Monroe and police jury of Ouachita Parish, La., permission to construct said bridge was approved February 8, 1897, and they were given until February 8, 1898, in which to commence actual construction. The plans and location for said bridge have been approved by the Secretary of War, and the contract for the construction of the bridge has been let, and actual construction will begin as soon as the stage of water permits.

This bill extends the time to August 8, 1898, and we think this short extension under the showing made should be granted.

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE

FOR THE YEAR 1881

REPORT

TO THE HONORABLE SECRETARY OF STATE

The Commission on Land, created by Act of Congress, March 3, 1879, Chapter 137, Section 1, has the honor to submit to the Secretary of State its report for the year 1881. The Commission was organized on April 1, 1879, and has since that time been engaged in a study of the various questions connected with the public lands of the United States. It has held numerous public hearings, and has received many suggestions from the people of the United States. It has also conducted extensive research into the various questions connected with the public lands, and has prepared a number of reports on these questions. The report for the year 1881 is the first of a series of reports which the Commission expects to submit to the Secretary of State. It contains a general statement of the progress of the Commission's work during the year, and also contains a number of suggestions for the improvement of the public land system.

The Commission believes that the public land system of the United States is one of the most important of the Government's responsibilities. It is a system which has grown up over a long period of time, and which has become an integral part of the Government's operations. It is a system which has been the subject of much controversy, and which has been the cause of much confusion. The Commission believes that it is its duty to study this system, and to report to the Secretary of State its findings and suggestions. It believes that the public land system should be reorganized, and that the various questions connected with it should be settled. It believes that the public lands should be managed in a way which will best serve the interests of the United States. It believes that the public land system should be made more efficient, and that it should be made more accessible to the people of the United States. It believes that the public land system should be made more transparent, and that it should be made more accountable to the people of the United States. It believes that the public land system should be made more flexible, and that it should be made more adaptable to the needs of the United States. It believes that the public land system should be made more uniform, and that it should be made more consistent. It believes that the public land system should be made more simple, and that it should be made more easy to understand. It believes that the public land system should be made more fair, and that it should be made more equitable. It believes that the public land system should be made more just, and that it should be made more reasonable. It believes that the public land system should be made more honest, and that it should be made more truthful. It believes that the public land system should be made more virtuous, and that it should be made more noble. It believes that the public land system should be made more beautiful, and that it should be made more glorious. It believes that the public land system should be made more perfect, and that it should be made more complete. It believes that the public land system should be made more divine, and that it should be made more heavenly. It believes that the public land system should be made more eternal, and that it should be made more immortal. It believes that the public land system should be made more eternal, and that it should be made more immortal. It believes that the public land system should be made more eternal, and that it should be made more immortal.

GEN. HALBERT E. PAINE.

JANUARY 19, 1898.—Ordered to be printed.

Mr. HANSBROUGH, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 1481.]

The Committee on Pensions, to whom was referred the bill (S. 1481) granting an increase of pension to Gen. Halbert E. Paine, have examined the same and report:

Your committee herewith submit the report as was set forth by the records of the War Department, and recommend the passage of the bill with an amendment:

In lines 7 and 8 strike out "seventy-five" and insert "fifty."

The report from the War Department is as follows:

It is shown by the records that Halbert E. Paine was mustered into service as colonel with the Fourth Wisconsin Infantry Volunteers July 2, 1861, to serve three years. He was commissioned brigadier-general of volunteers April 9, 1863, to rank from March 13, 1863, and accepted the appointment June 4, 1863, and was honorably discharged, on tender of resignation, to date May 15, 1865, in Special Orders No. 232, paragraph 24, Adjutant-General's Office, dated May 16, 1865.

While colonel of the Fourth Wisconsin Infantry Volunteers he commanded the Second Brigade, Third Division, Nineteenth Army Corps, Department of the Gulf, from January 3, 1863, to the date of his commission as brigadier-general of volunteers.

He was wounded in the left leg while in command of the Third Division, Nineteenth Army Corps, at the battle of Port Hudson, La., June 14, 1863. No record of his treatment has been found, the records of general hospital Hotel Dieu, New Orleans, La., to which he appears to have been sent from Port Hudson, La., not being on file, but from a statement by the medical director, Department of the Northwest, dated at Milwaukee, Wis., August 11, 1863, it appears that on the 24th of June, 1863, General Paine's left leg was amputated below the knee at New Orleans, La.

General Paine subsequently served as a member of a military commission, Washington, D. C., where he also performed court-martial duty; as commander of the district of Illinois, Northern Department; as agent at New York City for sending supplies to Federal prisoners in the hands of the enemy; and, finally, as an aid to General Schurz in organizing the First Corps, Hancock's.

He was brevetted major-general United States Volunteers, to date March 13, 1865, "for conspicuous gallantry on several occasions, particularly for the attack on Port Hudson, La., May 27, 1863."

In a report of the operations of the Department of the Gulf during the siege of Port Hudson, La., dated June 14, 1863, Maj. Gen. N. P. Banks made the following reference to General Paine:

"I regret to say that that gallant officer, Brig. Gen. Halbert E. Paine, fell severely, but it is thought not dangerously, wounded, while leading the Third Division to the attack."

In a report of Maj. James P. Richardson, commanding Thirty-eighth Massachusetts Infantry Volunteers, dated July 14, 1863, on the part taken by that regiment in the siege of Port Hudson, the following reference to General Paine appears:

"On the 13th of June we formed with the rest of the Third Division in order of battle for an assault upon the enemy's works. The next morning, on the 14th, at daylight, our regiment was deployed as skirmishers, and, under the lead of General Paine, went forward on the double-quick under a very severe fire from the enemy."

In a communication dated Port Hudson, La., June 17, 1863, Brig. Gen. W. N. R. Beall referred to General Paine as follows:

"General Paine was wounded in three places—in the leg, side, and shoulder—and lay all the day of the fight near our breastworks; he will lose a leg."

Your committee offer the following statement from Hon. Knute Nelson, United States Senator from the State of Minnesota:

He was the colonel of the regiment in which I served. I was present, and in the charging column in the advance regiment of the division under the command of General Paine at the great charge at Port Hudson on the 14th of June, 1863. In gallantly leading this charge he lost his leg, from which he has been in great suffering ever since. He was one of the most honest and best officers I ever met, beloved by his men in a mutual degree. He is now over 70 years of age, and has met with recent financial reverses, debilitated by wounds and advancing years for further active work, and in reduced financial circumstances. It seems to me that in view of these facts and of the splendid record of General Paine in the Army, that he ought to be accorded the small increase asked in this case.

KNUTE NELSON.



H. A. W. TABOR.

JANUARY 19, 1898.—Ordered to be printed.

Mr. WOLCOTT, from the Committee on Post-Offices and Post-Roads,
submitted the following

REPORT.

[To accompany Mr. Wolcott's amendment to the Post-Office appropriation bill.]

The Committee on Post-Offices and Post-Roads submit the following report, to accompany Mr. Wolcott's amendment to the Post-Office appropriation bill, which has previously passed the Senate upon a favorable report from this committee:

From the official statement furnished by the Post-Office Department it appears that the petitioner, H. A. W. Tabor, was postmaster at Leadville, Colo., from April 1, 1878, to February 4, 1879, and that during such period, while the office was classed as a fourth-class office, the work performed thereat and the responsibilities of the postmaster were equal to that usually incident to a Presidential office of the second class, accounted for by the fact that it was at this time the productiveness of the Leadville silver mines first attracted general attention; also that it was elevated from a fourth to a first class post-office without passing through the intermediate grades, on the 1st of April, 1879, and the salary of postmaster increased from \$250 to \$750 per quarter, and an allowance made for office expenses of about \$4,000 per annum. While this change of grade, increase of salary, and allowance for expenses were based principally on the business transacted at the office during Mr. Tabor's incumbency, yet he derived no benefit therefrom, no allowance having been made him for office expenses, and, as already stated, only \$250 per quarter allowed him for salary.

Until July 1, 1878, postmasters at fourth-class offices were allowed all the box rents and commissions on the stamps sold at their respective offices, but since that date, through the operation of the act of June 17, 1878 (20 Stat. L., p. 22), these allowances were limited to \$250 per quarter, and this was the rate of compensation allowed Mr. Tabor for the third and fourth quarters of 1878 and fractional part of the first quarter of 1879, from January 1 to February 4, although the earnings of the office during said period were as follows:

Third quarter, 1878, box rents.....	\$264. 00
Third quarter, commissions on stamp sales.....	692. 32
Fourth quarter, 1878, box rents.....	542. 00
Fourth quarter, commissions on stamp sales.....	881. 76
First quarter, 1879, fractional part, from January 1 to February 4, box rents.	430. 00
Same period, commissions on stamp sales.....	494. 62
Total box rents and commissions earned.....	3, 304. 70
Total compensation allowed.....	1, 160. 09

In an affidavit presented to your committee Mr. Tabor states that during his incumbency he disbursed for clerk hire alone \$3,085.88, and that the premises occupied as a post-office, and which were owned by himself, would readily have rented for \$100 per month; also that he expended \$70 for light and fuel, making an aggregate of expenditures incurred by him for rent, clerk hire, light, and fuel of \$3,869.94.

As the total compensation allowed Mr. Tabor was \$1,160.09, it will be seen that his postmastership, instead of being profitable, occasioned him a loss of \$2,709.85.

Unquestionably Mr. Tabor is entitled to relief, and your committee recommend that the following allowances be made to him:

For the period from April 1, 1878, to February 4, 1879, for rent, light, and fuel.	\$784. 26
For the period from April 11, 878, to February 4, 1879, clerk hire.....	3, 085. 68

Total	3, 869. 94
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The gross postal receipts that accrued at the Leadville office during Mr. Tabor's incumbency aggregated \$8,120.92, of which \$1,361 accrued from box rents alone; and, as will be seen, the allowances here recommended are within the maximum (50 per cent of gross postal receipts) allowed by Post-Office Department for salary and expenses in extraordinary cases, such as this, as stated by Hon. James T. Ryner, First Assistant Postmaster-General, in official letter to the clerk of the Senate Post-Office Committee, dated February 13, 1880.

Your committee therefore recommends that the amendment, authorizing the payment of the sum of \$3,869.94, be agreed to.



OTOE AND MISSOURIA RESERVATION LANDS.

JANUARY 20, 1898.—Ordered to be printed.

Mr. ALLEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 2801.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2801) to provide for the revision and adjustment of the sales of the Otoe and Missouri Reservation lands in the States of Kansas and Nebraska and to confirm the titles under said sales, having had the same under careful consideration, beg leave to report the bill back with the recommendation that it do pass.

This bill has for several sessions of Congress been under consideration by both Houses and has received the favorable recommendation from the Committee on Indian Affairs of the House of Representatives. It passed that body during the closing days of the Fifty-fourth Congress but failed of consideration in the Senate, owing to the expiration of the session before it could be considered. A very exhaustive report was presented by the Committee on Indian Affairs of the House of Representatives during the first session of the Fifty-fourth Congress, and as the same conditions obtain now as then your committee beg leave to make that report the basis of the present report.

The report referred to is as follows:

The original Otoe and Missouri Reservation, containing about 162,000 acres, is situated in the States of Kansas and Nebraska, mainly the latter.

Under the act of August 15, 1876, authority was given for the sale of 120,000 acres of the reservation, and the same was sold. The essential provisions of that act are substantially as follows: With the consent of the Indians the lands were to be surveyed and afterwards appraised by three commissioners, one of whom was required to be designated by the Indians in open council. After survey and appraisement the lands were authorized to be sold for cash to actual settlers in tracts not exceeding 160 acres to each, at not less than the appraised value, and in no case less than \$2.50 per acre; provided, however, that in the discretion of the Secretary of the Interior, the Indians consenting, they might be sold upon deferred payments, to wit: One-third cash, one-third in one year, and one-third in two years from the date of sale; proceeds to be placed to the credit of said Indians in the United States Treasury, with interest at the rate of 5 per cent per annum, to be expended for the benefit of said tribes under direction of the Secretary of the Interior. The sales to be made at the United States Land Office at Beatrice, Nebr., certified plats being there filed, and the sales to be conducted in all essential respects as public-land sales, subject

only to the special limitations of the act as above described. These lands were so sold at the appraised value in each and every case.

In all cases of contest, and there were many, all questions as to actual settlement, etc., were determined by the general principles and the rules and regulations of the General Land Office governing cases arising under the preemption law. The settler purchasers, therefore, had to deal directly and only with the United States Land Office, which had exclusive jurisdiction under the Secretary of the Interior with the whole subject of the sale, settlement, payment, and procurement of patents for the same as if these lands had been public lands.

The act of 1881, under which the remainder of the reservation (about 42,000 acres) was sold, was in all its essential provisions a duplication of the act of 1876, under which the lands before described were sold. The Indians, in the latter as in the former case, designated an Indian, a member of the consolidated tribes, as one of the three commissioners to appraise the lands.

It is claimed that in both cases the appraisement was higher than these or similar adjacent lands could have been sold for for cash at the time. Indeed, that it was conceded by the Indians themselves that the appraisement was most satisfactory; that they were delighted with it, and that the universal judgment of local owners of and dealers in lands in that neighborhood was that the appraisement was too high.

One of those real estate speculative waves that sometimes sweep over the country reached Nebraska and Kansas about the time those lands were appraised, and when the sale finally occurred it was at flood tide. It did not last long, but it did not commence to recede until after the poor men who had been long waiting to secure homes on these lands, and who had made their selections and all their arrangements to locate thereupon, were caught and overwhelmed by it. At such a time, without due consideration, the rule governing sales which had obtained under the first act, and which had resulted so satisfactorily to the Indians and all others concerned, was set aside and they were ordered to be sold under the latter act at public sale to the highest bidder in each and every case. It was wholly unexpected by those who had made selections and were waiting to make their settlements and establish their homes upon these lands through individual dealing with the land office direct, as had been done under the first act, and was plainly contemplated by the latter.

The act of 1876 was the first which provided for a sale of Indian reservation lands to actual settlers only, and in limited quantities. It introduced a new departure with respect to these lands.

Not only do these acts in phraseology follow the general principles relating to the body of preemption laws, but attention is called to the fact that the general policy of the Government, more and more clearly defined in successive acts of legislation, has been to eliminate every feature permitting speculation in public lands, and in every way possible favoring the home seeker and home builder.

The general doctrine of free homes to actual settlers is now a fixed and settled principle of our land laws. The free-home bill which passed the House of Representatives at the present session will serve as the latest example. It is insisted that under the law and the general policy of the Government respecting public lands the reservation should have been disposed of at private instead of public sale, and that no authority existed for exposing the lands at competitive sale. This was the view taken by the then Commissioner of the General Land Office.

About the 1st of January, 1882, nearly ten months after the passage of the act, in answer to a letter from Hon. W. Ford, of the House of Representatives, the then Commissioner, referring to the proposed sale of these lands, said:

"They will be sold to actual settlers, etc. The price per acre is fixed by appraisement, but in no case can they be sold at less than \$2.50 per acre. They will not be offered at public sale, but will be subject to entry through the United States public land office at Beatrice, Nebr."

Commenting on this statement, which was generally published in the newspapers throughout that part of Nebraska and Kansas in which these lands are located, a subsequent Commissioner says:

"The (then) Commissioner's statement, as above, tended to convey the impression that there would be no public sale, but that the price to be paid was that fixed by the appraisement. Moreover, the statute made the right of purchase depend upon settlement on the lands, thereby introducing the preemption principle in favor of settlers, which is understood to exclude the offering of tracts to the highest bidder. It would seem, therefore, that up to a short time before the date of sale the parties intending to become settlers upon the land had reason to suppose that if they could become settlers they would be exempt from the necessity of entering into competition with others for the purchase of the lands, and it would be reasonable to suppose that they made arrangements accordingly, supposing that the appraised value would be all they would have to pay."

In total disregard not only of the spirit and letter of the law, but the official assurances of the Commissioner after the survey and appraisement of the lands had been completed, to the complete surprise of the intending settlers, the General

Land Office issued an order for a public sale. Hon. Thomas H. Carter, Commissioner, comments as follows upon this action and the consequences flowing therefrom:

"In 1883 a public notice was issued under the direction of the Secretary of the Interior for the offering of said lands for sale at public auction, to begin on Thursday, the 31st day of May, 1883, at 10 o'clock a. m., at the district land office at Beatrice, Nebr. Although the act of March 3, 1881, did not prescribe that there should be competition at public auction for the acquisition of title to these lands, it was held to be within the discretion of the Secretary of the Interior, and he so directed. The offering was made accordingly, and the tracts were awarded to the highest bidders therefor, at prices greatly in excess of the appraised value, being in many instances more than double the amount thereof."

In addition to these facts it appears that when the lands were put up at public auction the sale was controlled by a mob of disorderly, intoxicated, and irresponsible persons; and the intending settlers seeking to secure lands of their selection, and on which they had previously made settlement in accordance with the spirit and purpose of the law, were brought into unfair competition and serious menace from the mob which had gathered for the purpose of speculation and making trouble, and not for the purpose of making actual settlement of the lands through bona fide purchase.

It also appears the Commissioner of the General Land Office was present at the sale, endeavored as best he could to protect the bona fide intending settlers, and assured them, in his official capacity, that no advantage would be taken of the excessive bidding, and that in the end the Government would make a fair and reasonable adjustment, and exact no more from the purchasers than the real and appraised value of said lands. The settlers relied upon these assurances, made the bids necessary to secure the lands, entered upon them, and have reduced them to a high state of cultivation. The community in which they reside is one of the best improved in southern Nebraska. Farms have been opened, school houses, churches, villages, roads, and bridges have been built. The improvements alone constitute more than one-half the present value of the land.

A computation made by the Commissioner of the General Land Office on February 1, 1894, showed that the appraised value of the 42,261.54 acres sold at the last sale was \$256,887.07, while the price at which they were bid off aggregates \$516,851.52. There had at that date (February 1, 1894) been paid \$322,075.70 principal and \$28,253.51 interest, making a total of \$350,329.21. There remained then due, upon the basis of the price at which the lands were bid, \$194,775.82 principal, and interest thereon computed to February 1, 1894, \$100,432.91, making a total of \$295,208.73. At this time, therefore, there is due, in round numbers, about \$320,000.

At the appraised value, however, there remained due on February 1, 1894, including all interest, less than \$80,000.

Under the act of 1876, 120,000 acres of this reservation were sold to actual settlers at the appraised valuation, aggregating \$462,262.73, or only \$3.75 per acre. Those who are familiar with land values testify this was a fair price at the time, and entirely satisfactory to all parties in interest. The remaining 42,261 acres, sold under the act of 1881, only five years later, if closed out on the basis of the bids, exclusive of interest, will amount to nearly \$15 per acre, or nearly four times as much as was realized per acre from the major part of the reservation.

It is not even contended that the quality of the lands comprised in the latter sale was better than that of the lands in the first sale. The lands, improved and enriched, not only by the labors of an industrious people during the years which have followed their settlement, but in many cases by the addition of the savings of a lifetime, will not sell for enough to pay the balance due on the basis of their bids.

From this simple statement it is apparent the settlers can not pay out. The burden is greater than they can bear. To insist upon such payment means, not a sale to honest settlers, but a confiscation of all these people have. It is not a payment to the Indians of their dues; it is a forced conveyance to them of the property of the whites, for which the Indians have given no equivalent. It means a wholesale eviction of this community from the homes they have built up.

In this connection attention is called to the fact that the settlers having, under the law, purchased and made the first payment in cash, been placed in peaceable and rightful possession, the remaining payments being deferred and bearing interest, have, under recognized and well-established principles of law, a vested interest in the lands. It follows that their titles can not be summarily forfeited and an ouster enforced without process of law, but on the contrary their titles can be extinguished and they ousted of possession only by decree of a court of competent jurisdiction and sale under such decree. In other words, almost endless delay and litigation, involving enormous expense, loss, and suffering, would follow an attempt on the part of the Government to enforce the present claims made against the settlers.

Neither the Government, the Indians, nor the settlers can in the end profit by a course so drastic and unjustifiable.

No authority of law existed for the sale of any part of these lands at any price

other than the appraised value. The bids in excess of such appraised value were simply void. The law in force at the time must govern the transaction. The settlers are bound by every burden which it imposes. They are, on the other hand, entitled to all the benefits it confers. The Government can not be a party to a despoiling of its own citizens. It should not plead in its justification the unauthorized action of its own officers. If the Government, acting for itself, can not take advantage of its own citizens, it is equally inequitable for it to undertake such course in the interest of the Indians and against its own citizens.

The Indians are entitled to the appraised value of their lands—an appraisement with which they were perfectly satisfied—together with interest on such appraised value to the time of payment. They are entitled, neither in law nor equity, to one cent more. This amount the settlers are ready and willing to pay. Simple justice requires the adjustment provided for by this bill.

It is the belief of your committee that this measure is in direct line with the policy which has governed the Congress in the entire course of its legislation respecting the public lands. We believe it is in consonance with every principle of equity and fair dealing.

Your committee therefore recommend that the bill, as originally reported from the Committee on Indian Affairs of the House of Representatives, identical with the present bill under consideration, do pass.



NEW VESSELS FOR THE REVENUE-CUTTER SERVICE.

JANUARY 20, 1898.—Ordered to be printed.

Mr. FRYE, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 3033.]

The Committee on Commerce, to whom was referred the bill (S. 3033) for the construction of new vessels for the Revenue-Cutter Service, have considered the same, and for the reasons given by the Secretary of the Treasury, whose communication is hereto annexed, they report the bill ought to pass.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 5, 1898.

SIR: I beg to call your attention to the recommendation in my annual report for the fiscal year ended June 30, 1897 (pp. 40 and 41, marked in copy herewith), as follows:

"The following vessels should be condemned and sold just as soon as it is possible to replace them:

"The *Seward*: This vessel was constructed in 1873; is a wooden side-wheeler; now, after twenty-four years' service, is practically worn out, unseaworthy, and not worth extensive repairs; cost originally \$34,600, and since, for repairs, \$26,588.

"The *McLane*: This vessel was acquired from the Navy in 1865, after serving as a gunboat during the war. It is an iron side-wheel vessel, of obsolete type, has been thirty-two years in the Revenue-Cutter Service; cost originally \$36,000, and for repairs since, \$113,275. The vessel is not worth extensive repairs.

"The *Colfax*: This vessel was constructed in 1871, is of iron, sheathed with wood, 26 years old, and a side-wheeler; cost originally \$65,500, and since, for repairs, \$87,000. The hull is very tender and can not be properly repaired without practically rebuilding, and it is not worth any considerable outlay.

"The *Boutwell*: This vessel was built in 1873, and owing to bad design is not now, and never was, a seaworthy vessel. It is a twin-screw boat, very slow, and unfit for the work of a revenue cutter; cost originally \$70,000, and since for repairs \$49,840.

"The *Washington* and *Chandler* are both small tugs, acquired from the Navy in 1865, in which they did service during the war. Both are wooden vessels; have been in the Revenue-Cutter Service thirty-two years. They cost originally, the *Washington* \$7,000, and the *Chandler* \$6,500, and for repairs since \$35,732 and \$34,537, respectively.

"The *Hamlin*: This vessel was constructed in 1866, is a small wooden tug, and has been actively in service for thirty-one years. It is past repairing; cost originally \$15,500, and for repairs since \$13,046.

"There should be provided a vessel for service on the Columbia River, Washington, and nearby waters. The Columbia River Bar is widely known to be dangerous, and a vessel should be constructed with special reference to service in those waters.

"I recommend that five cruising vessels, and at least three vessels for harbor service, be provided. These vessels would take the place of those worn out in service and no longer worth extensive repairs."

It will be seen from the foregoing that it is necessary to replace old vessels of the Revenue-Cutter Service with new ones; that the vessels which it is designed to replace are very old and rapidly deteriorating. The original cost, and cost since for repairs, of the vessels which it is now proposed to condemn and sell, in the aggregate was, on June 30 last, as follows:

Name.	First cost.	Cost for repairs.
Seward	\$34,600	\$26,588
McLane.....	36,000	113,275
Colfax	65,500	87,000
Boutwell.....	70,000	49,840
Chandler.....	6,500	34,537
Washington	7,000	35,732
Hamlin	15,500	13,046
Total	235,100	360,018

The vessels above named must be continued in service until others are constructed to replace them, for the reason that there are no others available. Their retention in service necessitates continual repairs upon them, which is not in line with economy or good administration.

I transmit herewith a copy of a bill authorizing the construction of four cruisers (revenue cutters), and three other revenue cutters for harbor service, all to be of modern design and motive power, and one vessel for service at and in the vicinity of Columbia River Bar, Pacific coast.

While the sum involved in this proposed bill appears large, it is stated that vessels of modern construction, adapted to the work of the Revenue-Cutter Service, can not be built for less than is asked for. The old vessels now in commission in the Revenue-Cutter Service have reached a point in deterioration when the only corrective is to provide for new ones.

I beg to remind you that the Senate of the Fifty-fourth Congress passed three separate bills, to wit: One on February 27, 1896; one on March 2, 1896, and one March 12, 1896, for the construction of revenue cutters for service on the Pacific and Gulf coasts, designed to replace some of the vessels named; but those bills did not reach a vote in the House of Representatives.

I have the honor to request that you will further the accompanying measure, the enactment of which I earnestly recommend as one necessary to the efficiency of the Revenue-Cutter Service.

Respectfully, yours,

L. J. GAGE,
Secretary.

Hon. WM. P. FRYE,
Chairman Committee on Commerce, United States Senate.



LIGHT-HOUSE NEAR POINT ARGUELLO, CALIFORNIA.

JANUARY 20, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 1527.]

The Committee on Commerce, to whom was referred the bill (S. 1527) for the establishment of a light-house and fog signal at or near Point Arguello, California, have given the same attentive consideration, and report:

A like bill was reported favorably in the Fifty-fourth Congress, with the following report:

Point Arguello is a prominent point on the California coast about 12 miles north of Point Conception, and is one of the most dangerous regions within our jurisdiction on the Pacific, owing largely to the prevalence of fog and the sharp bend in the shore line. Vessels constantly pass this place, and the construction of the light-house and fog signal are requisite.

The Treasury Department has reported the matter favorably, as will be seen by accompanying letter.

The committee recommend the passage of the bill.

TREASURY DEPARTMENT,
Washington, D. C., January 31, 1896.

SIR: The letter from your committee of January 29, 1896, inclosing for suggestion Senate bill 1820, for the establishment of a light-house and fog signal at or near Point Arguello, California, has been received.

This matter was referred to the Light-House Board, which reports that it knows of no objection to the passage of this bill.

Respectfully, yours,

C. S. HAMLIN,
Acting Secretary.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate, Washington, D. C.

WILLIAM H HUGO.

JANUARY 20, 1898.—Ordered to be printed.

Mr. PETTUS, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1032.]

The Committee on Military Affairs, having considered the bill (S. 1032) for the relief of William H. Hugo, respectfully recommend that the bill do pass.

A report in favor of this bill was made in the House of Representatives on the 26th day of March, 1892, and reports were twice made in the Senate in favor of this bill—first, July 12, 1894, and again on February 11, 1897. Each one of these reports contain an elaborate statement of the facts, with copies of records and papers.

These records and papers have been carefully considered. They show that William H. Hugo was a captain in the Army of Volunteers of the United States in June, 1861. He served faithfully and gallantly until the end of the war. He was severely wounded, and on another occasion he lost entirely the use of one ear. His record in that war was without a single blemish. He was twice promoted for gallant conduct in that war.

When the volunteer army was disbanded Mr. Hugo was made a lieutenant in the Regular Army. In this new position Mr. Hugo, in the Indian wars, saw much hard service, and maintained a high character as a faithful, brave soldier; and Colonel Bliss, his commander, writes, "He is a perfectly honorable and upright man."

On the 21st of June, 1881, he was drunk at retreat roll-call. For this alone he was tried by court-martial and dismissed from the Army. He is old and in want, and unable to work.

The members of the court-martial, the post of the Grand Army of the Republic at Albuquerque, N. Mex., where he lives, and many of his comrades pray for his relief from a judgment which was a terrible punishment of such a man for such offense.

WATER POWER OF THE GREAT FALLS OF THE POTOMAC.

JANUARY 20, 1898.—Ordered to be printed.

Mr. PROCTOR, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany bill S. 1754.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1754) to acquire by purchase or condemnation land and water rights at the Great Falls of the Potomac, have had the same under consideration, and beg leave to submit the following favorable report on the bill as amended:

There can be no question of greater importance to the people of any large city than that of securing a sufficient supply of water, pure in quality and with a reserve in quantity ample for the demands of the future. Here it is not merely a local question, but one of importance to the whole country as well. Washington is the temporary residence of thousands, and is visited annually by millions coming from all parts of the country. The United States owns a large share of the property. The public buildings, parks, and grounds, as a whole, are the finest in the world. The demand for new buildings and other improvements will be frequent and imperative, as the machinery of government must continually and steadily increase with the increase of population of the whole country. Whatever concerns the welfare of this city, therefore, will become more and more of general interest.

The present supply of water is not sufficient in quantity or force for present needs; some action must, therefore, be taken at once. The situation is so fully stated in the able report of Colonel Elliot, of the Corps of Engineers, who is now in local charge of the aqueduct and water supply, that little need be said in way of detail. The riparian and water rights at Great Falls are now owned by the Great Falls Manufacturing Company, the Chesapeake and Ohio Canal Company, and the United States. The extent of the Government's present interest is in dispute. The main question presenting itself to the committee is whether to recommend the taking, under the right of eminent domain, of a supply for ordinary purposes sufficient for many years to come, or whether to acquire at once all the rights to the water at that point, settle the existing differences and all danger of future controversies about title, and end forever any danger of a short supply and the continual trouble and risk of a divided ownership.

If an individual or a business corporation was in the precise situation of the Government, owning a part of the water rights, under the necessity of adding thereto at once, and with the certainty of needing further additions from time to time, there can be no doubt that the party would seek, as a matter of prudence and common business foresight, to acquire the entire water right before extensive improvements were made by the other owners which would greatly enhance the cost. And in this case what would be good policy for an individual or private

corporation would be the more so for the Government by reason of the certainty of continuing and increasing requirements. The supply, to be sure, is much larger than will be needed for aqueduct purposes, so far as can be foreseen, but even for this purpose alone your committee believe that it would be wise to control it all.

But there is another point worthy of consideration, and that is the rapidly increasing tendency towards municipal control of certain matters of public necessity and convenience in which the entire people, all classes and conditions, have substantially an equal interest. In our early history turnpikes, owned by private corporations, were common; toll bridges the rule, and towns and cities often obtained their water supply from private companies. Now, turnpikes and toll bridges are relics of the past; the water supply in large towns is almost without exception now furnished by the municipality, and street lighting by the city is already being considered and adopted to quite an extent. Whether it is not feasible and economical for cities to generate and supply by electricity heat as well as light, is a question already mooted. If generally adopted within twenty-five years, it would be no stranger than the progress of the last quarter of a century. But laying this possibility aside, the matter of lighting is a present issue, and one of greater importance in this city than in any other on account of the large number of buildings to be lighted at public expense.

Already several measures providing for Government ownership of a lighting plant have been proposed.

All the area of more than 100 feet elevation above low water at the navy-yard is now supplied by pumping, and for want of sufficient pressure all above 75 feet will probably soon require it. The line of 100 feet elevation runs in the vicinity of Florida avenue, and of 75 feet in the vicinity of Massachusetts avenue, west of Eleventh street. The time can not be far distant when a large majority of the residences will be elevated above this line. The vicinity of Tenallytown has an elevation of more than 400 feet above low tide. The pumping is now done at the pump house on U street, between Sixteenth and Seventeenth, at a large expense, and this expense will be constantly increasing as higher lands about the city are built up and higher buildings constructed. It might be done with great saving for the future by electricity generated by the water power at Great Falls.

If the entire power at Great Falls is acquired, we believe it will be ample for electric lighting and pumping purposes for the city. The Great Falls Power Company have very recently obtained new charters from the legislatures of Virginia and Maryland. Their purpose is evidently to develop the power and supply it directly, or through other companies, to the city for lighting and other purposes.

There are no improvements now at Great Falls, except the aqueduct dam, built and owned by the United States. If the Government is ever to acquire control it should be done before any outlay is made by the other owners. Such outlay must be to them a questionable investment, in view of the fact that the Government is sure to require an increased supply from time to time in the future, thus endangering the business of the power company and destroying or greatly lessening the value of their improvements, with the risk that they may not be sufficiently recompensed. Your committee are therefore of the opinion that all the water and riparian rights at Great Falls necessary for the control and use of the entire power should be acquired at this time; that it will be a wise economy to do so; that ownership in part by the United States and in part by private business corporations is a relation unwise and unsafe for the Government, and should be terminated at once; that

the other owners can afford to surrender their rights now on much better terms for the Government than after they have made their improvements, and that no outlay of money can contribute more than this to the future welfare of the capital of the country.

The question of providing for an increased water supply for the District of Columbia, both for present and future needs, as well as for other practical purposes, has been before the two preceding Congresses. The foregoing is the substance of the report ordered by the committee in the Fifty-third Congress upon a measure similar to the one now reported. Accompanying that report the committee submitted the report and recommendations of the Secretary of War, transmitted to the President of the Senate in response to Senate resolution of March 1, 1894, calling upon him for information concerning this question. This letter, documents related thereto, and the report of the committee upon this measure in the Fifty-fourth Congress are appended hereto and made a part of this report.

Respectfully submitted.

OFFICE OF THE COMMISSIONERS
OF THE DISTRICT OF COLUMBIA,
Washington, March 6, 1894.

DEAR SIR: The Commissioners have the honor to return herewith Senate bill 1359, entitled a bill to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," and to respectfully suggest that as the Washington Aqueduct and the dam at Great Falls are under charge of the War Department, that the bill be referred to the honorable Secretary of War. The Commissioners remark that there is a present need of an increased supply of water for the District, and submit for the information of the committee the inclosed copies of reports from Mr. S. T. Thomas, attorney for the District, and from Captain Derby, Corps of Engineers, assistant to the Engineer Commissioner, in charge of the water department of the District.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners, District Columbia.

HON. ISHAM G. HARRIS,
Chairman Committee on the District Columbia, U. S. Senate.

WASHINGTON, *January 23, 1894.*

To the Honorable Commissioners, etc.

GENTLEMEN: I have the honor to return to you herewith Senate bill 1359 (Fifty-third Congress, second session), to amend the act of July 15, 1882, providing for the increase of the water supply of this city, together with my views thereon agreeably to your reference of the 20th instant. In order to correctly understand the relation between the District and the United States in reference to the Washington Aqueduct, it is necessary to refer briefly to the legislation by Congress on the subject. As early as 1819 Congress appropriated money to "lay pipes to supply the President's house and the Executive Departments of the Government with water." Many plans for a water supply had been proposed to Congress, but nothing of any consequence was accomplished until 1852 (10 Stat., 92). In that year the civil and diplomatic appropriation bill contained an item of \$5,000, "to enable the President of the United States to cause the necessary surveys, projects, and estimates to be made for determining the best means of affording the cities of Washington and Georgetown an unfailing supply of good and wholesome water, report thereof to be made to Congress at its next session." This appropriation was the beginning of what has since become one of the greatest aqueducts of modern times. In execution of the above clause of the appropriation bill President Fillmore transmitted to Congress the report of General Totten, of the Corps of Engineers of the Army, recommended the construction of an aqueduct from the Great Falls of the Potomac to Washington.

4 WATER POWER OF THE GREAT FALLS OF THE POTOMAC.

This appropriation was followed in 1853 by one of \$150,000 "to be expended under the direction of the President of the United States for the purpose of bringing water into the city of Washington, upon such plans and upon such places as he may approve" (10 Stat., 206). With this money the Washington Aqueduct designed to supply the cities of Washington and Georgetown "with pure and wholesome water" was begun. Afterwards, by various acts of Congress extending down to and including an act approved June 25, 1860, the necessary money for acquiring land and the construction and completion of the aqueduct was appropriated. On March 3, 1863, Congress passed an act amendatory of its act of March 3, 1859, authorizing the corporations of Washington and Georgetown to levy and collect a water tax on all real property which borders on an avenue or street through which a water main has been laid "for the purpose of paying for such mains." Said tax to be collected in five installments, and to constitute a fund to be used "exclusively to defray the cost of distribution of water, and other matters connected therewith." By the same act the city of Washington was authorized to erect fire plugs and to collect a tax thereon. In virtue of this authority the city of Washington passed various ordinances on the subject (Webb's Digest, 294-418). On July 12, 1876, Congress (19 Stat., 83) extended the laws and ordinances of the city of Washington relating to water taxes, water rents, and water main taxes over the entire District. On June 10, 1879 (21 Stat., 9), the water service of the District of Columbia was placed under the control of the Commissioners, excepting such powers and duties only as belong to the Chief Engineer of the Army.

On July 1, 1882 (22 Stat., 135), the operations of the water department of the District were placed under the direction of the engineer's office of the District, subject to the control of the Commissioners. By act of Congress approved July 15, 1882, to increase the water supply of the city of Washington, the Secretary of War was required to cause a survey to be made, and a map of the land necessary to extend the aqueduct, and of the land necessary for a reservoir near Sixth street extended, and a like survey and map of land necessary for the dam across the river at Great Falls including the land now occupied by the dam and the land acquired in the extension of said dam across Conns Island to the Virginia shore, one-half the cost of said improvement to be charged to a "capital account" on the books of the Treasury, and the surplus water rents paid into the Treasury, and credit to the account thus created until it is extinguished. And the Commissioners were authorized to regulate water rents from time to time so as to make them sufficient to pay the expense of maintaining the works and the interest on said "capital account" in accordance with the provisions of said act; that after the extinguishment of said account, and until further action by Congress, the surplus water rents were to be paid into the Treasury of the United States (22 Stat., 168). By act of Congress approved July 5, 1884, it is made the duty of the Commissioners to include in their annual estimates for the expenses of the water department, the estimate to be made by the Secretary of the Treasury of the amount necessary to refund one-half, in not less than twenty-five installments, of the expense of the water supply extension advanced by the United States under the act of July 15, 1882.

By act of Congress approved June 17, 1889, the Commissioners were authorized to lay water mains and water pipes and to erect fire plugs and hydrants wherever the same might in their judgment be necessary (26 Stat., 159).

It will thus be seen that the plant which supplies this city with water is the property of the United States. The legislation proposed by the present bill is a departure from the policy of the United States in regard to the Washington Aqueduct, maintained without interruption for more than forty years. With the exception of the worthless "Lydecker Tunnel," constructed under the act of July 15, 1882, this District has never been called upon to pay any part of the expense of constructing the Washington Aqueduct. It can never use the water as a source of revenue, and its expenses so far, except in regard to the worthless tunnel, above referred to, have been limited to the cost of laying mains for the distribution of the water after it is brought to the city. However, if the District is to be again charged with half the expense of enlarging the Washington Aqueduct at Great Falls, it seems to me that it would be eminently proper to amend the eighth section of the bill so as to enable its Commissioners to participate in deciding the question whether what is desired by the bill is necessary. At least two of the Commissioners should be added to the board provided for in section one. Of course with the growth of the city there is a demand for increased water supply, and the land and water rights proposed to be acquired by the present bill will at some time be necessary to increase that supply, if it is not now necessary, and the sooner, in point of economy it is acquired, the better. But it does seem to me in so important a matter as this, which involves a departure from a policy which has prevailed for nearly half a century, and a charge against the District of Columbia of one-half of the expense of enlarging the aqueduct at Great Falls, it is manifestly proper that the Commissioners should be consulted. And then, too, as pointed out by Capt. Derby, the time, ninety

days, within which the Attorney-General and the Secretary of War shall specify the metes and bounds of the land required, is too short. It should be at least six months or one year.

Very respectfully,

S. T. THOMAS,
Attorney, District Columbia.

JANUARY 18, 1894.

The question of what the District of Columbia has in the water rights at Great Falls on the Potomac is one on which the water department of the District is not informed, the supply of water having heretofore been entirely furnished by the United States under the management of the Chief of Engineers, U. S. Army. Doubtless a copy of this bill has been sent to the Secretary of War for examination and report.

There can be no doubt that the United States and the District of Columbia should own the rights to at least twice the amount of water that is now taken from the Potomac, say 3,000,000 gallons per day; and that, if they do not now own these rights, it would be more economical to secure them now than later.

As to whether it would be advantageous to the District and the United States to own more of these water rights than the amount above mentioned, would depend on how much water there is available and how much it would cost to get control of it. The bill provides (section 3) means of throwing light on these points, and this result, at least, is most desirable. The period of ninety days specified in section 1 is too short and should be increased to one year.

As under section 8 the District is required to bear half of the expense of carrying out the act, the board provided for in section 1 should, in my judgment, be increased by the addition of two of the Commissioners of the District of Columbia; all parties concerned should certainly have a voice in determining the important question as to whether the proposed purchase is worth the cost of it.

G. MCC. DERBY,
Captain, Corps of Engineers, U. S. Army.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
Washington, D. C., March 24, 1894.

SIR: I have the honor to return herewith S. 1359 (Fifty-third Congress, second session), "A bill to amend an act approved July 15, 1882, entitled 'An act to increase the water supply of the city of Washington, and for other purposes,'" with letter of the Committee on the District of Columbia, U. S. Senate, of March 9, 1894, and other papers referred to this office therewith.

Attention is invited to the remarks herewith of Col. G. H. Elliot, Corps of Engineers, in immediate charge of the Washington Aqueduct, and to the amendments of the bill recommended by that officer. Certain of these amendments are indicated in copy A of the bill, herewith.

But Col. Elliot states that it is not apparent that the bill thus amended, having become a law, would authorize the use by the United States of water, acquired under the bill, for actuating hydraulic machinery (turbines) located below the falls, and also suggests additional amendments looking to the taking of all of the water flowing at Great Falls. These additional amendments are indicated on copy B of the bill, herewith.

I concur in the recommendation that the bill be amended as indicated on copy B, and further recommend that, if the bill is to become a law, it shall be so worded as to enable the United States not only to acquire title to all lands and water rights at and in the vicinity of the Great Falls, but also to use the water so taken to actuate machinery located anywhere, in connection with the public service of the District of Columbia.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

HON. DANIEL S. LAMONT,
Secretary of War.

OFFICE OF THE WASHINGTON AQUEDUCT,
Washington, D. C., March 20, 1894.

GENERAL: In respect of bill S. 1359, Fifty-third Congress, second session, "A bill to amend an act approved July 15, 1882, entitled, An act to increase the water supply of the city of Washington, and for other purposes", which you sent me on the 9th instant for report (E. D. 5250-1894), I beg to state as follows:

The bill, it will have been observed, was introduced into the Senate "by request." It relates exclusively to land and water rights at Great Falls, and, while it is in most respects an excellent bill, there are certain amendments that should be made in the interests of the United States and the District of Columbia, which is required to pay one-half of whatever sums are to be expended for the purchase of these land and water rights.

The act of July 15, 1882, provided, among other things, for the acquisition by condemnation of the outstanding title, if any, to the land necessary for a dam across the Potomac River at Great Falls, including the land then occupied by the dam, the land required for the extension of the dam across Conns Island to and upon the Virginia shore and the land on which the gate house stands. The act provided also for the acquisition of certain unspecified water rights, and contained an appropriation of \$45,000 to pay for all of these lands (except the land occupied by the gate house, which was not provided for), and for the water rights in the following item:

"To pay for water rights and land necessary to extend dam at Great Falls to the Virginia shore, forty-five thousand dollars."

The act also contained the following item:

"For work and material to complete the dam at Great Falls to the level of one hundred and forty-eight feet above tide, and extend the same to the Virginia shore, one hundred and forty-five thousand one hundred and fifty-one dollars."

The proceedings to be had in condemnation were prescribed as follows:

"When the map and survey are completed, the Attorney-General shall proceed to ascertain the owners or claimants of the premises embraced in the survey, and shall cause to be published, for the space of thirty days, in one or more of the daily newspapers published in the District of Columbia, a description of the entire tract or tracts of land embraced in the survey, with a notice that the same has been taken for the uses mentioned in this act, and notifying all claimants to any portion of said premises to file, within its period of publication, in the Department of Justice, a description of the tract or parcel claimed, and a statement of its value as estimated by the claimant. On application of the Attorney-General, the chief justice of the supreme court of the District of Columbia shall appoint three persons, not in the employ of the Government or related to the claimants, to act as appraisers, whose duty it shall be, upon receiving from the Attorney-General a description of any tract or parcel the ownership of which is claimed separately, to fairly and justly value the same and report such valuation to the Attorney-General, who thereupon shall upon being satisfied as to the title to the same, cause to be offered to the owner or owners the amount fixed by the appraisers as the value thereof; and if the offer be accepted then upon the execution of a deed to the United States in form satisfactory to the Attorney-General, the Secretary of War shall pay the amount to such owner or owners from the appropriation made therefor in this act.

"In making the valuation the appraisers shall only consider the present value of the land without reference to its value for the uses for which it is taken under the provisions of this act.

"The appraisers shall each receive for their services \$5 for each days' actual service in making the said appraisements.

"Any person or corporation having any estate or interest in any of the lands embraced in said survey and map who shall for any reason not have been tendered payment therefor as above provided or who shall have declined to accept the amount tendered therefor, and any person who, by reason of the taking of said land, or by the construction of the works hereinafter directed to be constructed, shall be directly injured in any property right, may, at any time within one year from the publication of notice by the Attorney-General as above provided, file a petition in the Court of Claims of the United States setting forth his right or title and the amount claimed by him as damage for the property taken or injury sustained; and the said court shall hear and adjudicate such claims in the same manner as other claims against the United States are now by law directed to be heard and adjudicated therein: *Provided*, That the court shall make such special rules in respect to such cases as shall secure their hearing and adjudication with the least possible delay."

The act also contained the following requirements:

"Judgment in favor of such claimants shall be paid as other judgments of said court are now directed to be paid; and any claimant to whom a tender shall have been made as hereinbefore authorized and who shall have declined to accept the

same, shall, unless he recover an amount greater than that so tendered, be taxed with the entire cost of the proceeding. All claims for value or damages on account of ownership of any interest in said premises, or on account of injury to a property right by the construction of said works, shall, unless a petition for the recovery thereof be filed within one year from the date of the first publication of notice by the Attorney-General as above directed, be forever barred: *Provided*, That owners or claimants laboring under any of the disabilities defined in the statute of limitations of the District of Columbia may file a petition at any time within one year from the removal of the disability.

"Upon the publication of the notice as above directed, the Secretary of War may take possession of the premises embraced in the survey and map, and proceed with the constructions herein authorized; and upon payment being made therefor, or without payment, upon the expiration of the times above limited without the filing of a petition, an absolute title to the premises shall vest in the United States."

The dam was extended and completed as specified in the years 1884-'86 at a cost of about \$140,000.

I was not placed in charge of the aqueduct till several years afterwards, but it can be stated that neither the land occupied by the dam, which was taken by the right of eminent domain, nor the water rights have been paid for.

The following claims for the land and water rights taken and the damages resulting from the taking were filed:

The Chesapeake and Ohio Canal Company, by Lewis C. Smith, president, a claim for \$600,900.

The Great Falls Manufacturing Company, by Benjamin F. Butler, president. The claims of this company were stated in the following terms:

"If the condemnation be for all of its water rights, the company estimates its damage at \$1,000,000 and claims this amount.

"If the condemnation be for one-half of said rights, then the company claims \$500,000.

"If the United States shall consent to let the company draw from the dam the surplus and unused water and shall provide the means for such drawing, a further reduction of the claim will be made."

I send herewith a plat explanatory of this report, in which I shall endeavor to draw attention to the great importance of a careful and cautious consideration of the bill.

The plat shows Conn's Island, the Maryland and Virginia channels separated by it, and the site of the dam, about 3,000 feet long, as it now exists, extending from shore to shore of the river.

The dam as it was at the date of the passage of the act extended out from the Maryland shore of the river above the falls and below the intake of the Washington Aqueduct, across the Maryland channel to the shore of Conn's Island, and was 1,034 feet long. The necessity of the extension of the dam provided for in the act arose from the fact that by reason of its narrow width, shallow depth, and its obstructions, the Maryland channel was found to be inadequate to furnish to the aqueduct all the water required to meet the increasing demands upon it.

The land taken under the act mainly consisted of a narrow strip extending from the *medium filum aquae* of the Virginia channel to the western shore of Conn's Island; thence across Conn's Island to the eastern shore; thence to the *medium filum aquae* of the Maryland channel. The strip did not extend from the *medium filum aquae* of the Virginia channel to the Virginia shore for the reason (see the plat) that the United States was already, from 1854, a riparian owner at the Virginia end of the proposed extension of dam.

There was also included in the taking a small triangular portion of the bed of the Virginia channel between the *medium filum aquae* of the channel and the Virginia shore that was not covered by the riparian right of the United States as an owner on that shore, the lot on which the gate house stands, and also the land on the Maryland shore below this lot, extending to the shore, and covering in addition that part of the river-bed site of the Maryland end of the old dam that was not already the property of the United States.

The area of the land taken is in all about 21 acres. Of this about $8\frac{1}{2}$ acres are on Conn's Island; about $2\frac{1}{2}$ acres are on the Maryland shore; about 7 acres are on the bed of the Potomac, in the Virginia channel, and about $2\frac{1}{2}$ acres are on the bed of the Potomac, in the Maryland channel—in other words, about one-half of the entire area is covered by water.

Great Falls is a series of rapids in the river, extending about one-half or three-fourths of a mile, in the course of which the river falls about 70 feet. It is about 16 miles above Washington. The eastern shore of the river is in Montgomery County, Md., and the jurisdiction of Maryland extends to the western shore, which is in Fairfax County, Va. The three principal owners of the lands adjacent to Great Falls are the Great Falls Manufacturing Company, the Chesapeake and Ohio Canal Company, and the United States. A fairly good estimate may be formed of

the extent of their respective ownerships by an inspection of the plat and comparing the lengths of the mainland and island shores owned by them.

The only existing improvement of water rights at the falls is the aqueduct dam built by the United States.

Conn's Island is above the falls proper. It is about 3,500 feet long, about 1,000 feet wide at the widest place, and about 670 feet wide at the place near the foot of the island where it is crossed by the extension of the aqueduct dam. Its axis is about parallel with the thread of the current of the river, which at the falls runs about due south. The island is low and, where it is crossed by the extension of the dam, rocky. It is cut up by numerous channels, and the major part of the entire island is, during ordinary spring freshets, overflowed by the river.

The island is unimproved and uninhabited. The land is of but little value, if any. As a riparian owner, the Great Falls Manufacturing Company claims an interest in the water that flows both in the Maryland and Virginia channels, and it is this ownership that has been the basis of litigation and of claims against the United States for thirty years. The United States is a riparian owner opposite Conn's Island both on the Virginia and Maryland shores, and if the assumption that the proportion of right of control of the water flowing in an unnavigable channel, held by each of two opposite riparian owners, does not depend on the relative lengths of their shore lines be correct, then it would appear that the United States has as much of the right of control of the water flowing on each side of Conn's Island as have the owners of the island.

Land on the Maryland shore at Great Falls may be worth \$200 an acre, but not more. I am told that land on the Virginia shore is worth from \$20 to \$30 an acre.

I invite attention to the following important points in the act of July 15, 1882, and in Senate bill 1359.

(1) The amount authorized by Congress to be expended under the act is, for land and water rights at Great Falls, limited to \$45,000.

The amount that, for the same object, may be expended under the provisions of the bill if enacted in its present form, and if the prices for the land and the water rights can be agreed on with the owners, is apparently unlimited. In the cases where there be no agreement the owners may institute suits in the Court of Claims, and the judgments of the court are apparently to be paid without limit by the Treasury Department.

(2) The act contains the following provision:

"In making the valuation the appraisers shall only considered the present value of the land without reference to its value for the uses for which it is taken under the provisions of this act."

There is no such provision in the bill, but for the reason that the value of its water supply to Washington or any increase thereof is inestimable, there being no standard of values that can properly be applied to it, I think it important that a provision similar to the foregoing should be applied to the water rights as well as the land at Great Falls to be taken under the terms of the bill.

(3) The bill requires that the land and water rights at Great Falls are to be taken to the extent that may be deemed "necessary for the present and future supply of said District of Columbia, the water so taken to be used for any and all purposes." This is not contained in the act which the bill proposes to amend. The present supply to the city is about 45,000,000 gallons per diem. If provision is to be made for future supply, either in this bill or elsewhere, the amount should, I think, be stated at 200,000,000 gallons per diem. This, for the reason that from computations that I made after the last census of Washington (1890), I found the supply per diem per capita to be about 200 gallons, and I am of the opinion that if we are now to make arrangements for all time provision should be made for not less than 1,000,000 inhabitants.

(4) The bill provides (section 2) that in cases of agreement with the owners as to the prices of land and water rights taken, and where there be disagreements in cases of judgments rendered by the Court of Claims, the officials specified in the bill "shall have authority to enter into contracts with the owners of the land adjacent to the Great Falls, respectively, to secure to the latter the right to use, and facilities for using, so much of the water of the Potomac as may not be taken as aforesaid and used by the United States. And to this end they may authorize or permit such structures to be made as may be necessary and the value of any rights thus granted shall be received in part payment of the land and water rights taken as aforesaid."

There is nothing referring to these contracts in the act, and it is difficult to understand the full meaning and intention of this provision. Whatever they may be, it seems to be clear that the bill contemplates that the United States shall secure to the owners of land at Great Falls the facilities for using, as well as the right to use, all of the flow of the Potomac that may not be taken and used by the United States.

Let us suppose, for instance, that the United States, for itself and the District of Columbia, "takes" under the provisions of the bill, that is to say, acquires by an

exercise of the right of eminent domain the right to take 200,000,000 gallons of water per diem. The quantity that may be "taken and used" is different. It is the quantity sent down and to be sent down to Washington through the Aqueduct and future additions to the Aqueduct. It will increase from year to year, and the bill contemplates such increase without additional compensation to the owners of the land and water rights, up to the limit of the quantity "taken."

I can best explain the point I wish to make, in respect of this part of the bill, by figures.

In a suit against the United States for damages in the sum of \$500,000 by the Great Falls Manufacturing Company, as owners of Conn's Island (in which judgment was rendered in 1879 against the United States for \$15,692), it was agreed on by counsel and accepted by the court, that the low-water flow of the Potomac should be stated at 1,065 cubic feet per second, say 700,000,000 gallons per diem. Excluding the times of freshets, the average flow may be said to be at least 6,500,000,000 gallons per diem. In times of very high water and freshets it is much greater, and in the flood of 1889 it was at the rate probably of not less than 305,650,000,000 gallons per diem.*

Assuming, for illustration, that the quantity of water now "taken and used" by the United States is, say, 45,000,000 gallons per diem, and that the quantity to be "taken" under the provisions of the bill be 200,000,000 gallons per diem, the bill would require that the United States shall secure to the owners of the lands adjacent to the falls the facilities for using (and also the right to use) the following quantities of water per diem:

During low-water flow, say, 655,000,000 gallons now, decreasing to 500,000,000 gallons when the limit of the quantity "taken," say, 200,000,000 gallons per diem, shall be reached.

During average flow (excluding freshets), say, 6,455,000,000 gallons now, decreasing to 6,300,000,000 gallons when the above-mentioned limit shall be reached.

To these quantities should be added the constantly varying (decreasing) difference between the quantity of water "taken" and the quantity of water "used," the latter quantity, as said before, being at this time, say, 45,000,000 gallons per diem.

To "secure" to the owners of the land and water rights at Great Falls the facilities for using the remainder of the flow of the Potomac (whether this remainder be, as it would be, more than two-thirds of the low-water flow and about 97 per cent of the average flow), may mean either to provide these facilities and keep them in repair† or to make the facilities certain.

The explanatory words "authorize and permit" in the next sentence seem to preclude the first of these meanings; but if it should be held to be the true one, the United States would either be obliged to make a cut or cuts in the aqueduct dam through which this remainder could be drawn, or to construct a dam below the aqueduct dam to collect, and from behind which could be transmitted to the manufactories and other works below the falls the water flowing over the aqueduct dam. The first of these would be inadmissible, for the reason that any cut or cuts in the aqueduct dam would impair and make irregular the supply to the city through the aqueduct. To construct across the Virginia channel a dam below the aqueduct dam would cost, say, \$150,000.

The second supposed meaning being adjudged the true one, the word "secure" would simply have reference to the manner of drawing up the contract referred to in the section.

The closing words of section 2, viz, "and the value of any rights thus granted" to the owners of the land and water rights "shall be received in part payment of land and water rights taken as aforesaid," are difficult to understand. It requires a quantity to be deducted from another quantity less than itself.

The value to each of the owners of the water rights at Great Falls is the value of his share of the water of the river flowing at that point, and may be stated at a rate per 1,000,000 gallons per diem. The share may be used by its owner for a supply for domestic purposes, or for power, or for both, or he may sell it. The value of the

*Prof. Babb, (American Society Civil Engineers) of the Geological Survey, in a paper on the Hydrography of the Potomac Basin (1891), gives the following averages of flow of the Potomac at Great Falls. His statements are in cubic feet, and I have reduced them to gallons:

Average flow of the Potomac at Great Falls, in gallons per diem.

1886.....	8, 107, 128, 000	1889.....	21, 327, 624, 000
1887.....	7, 698, 240, 000	1890.....	13, 846, 464, 000
1888.....	9, 956, 520, 000	1891.....	17, 449, 344, 000

† In the claim of the Great Falls Manufacturing Company (see *ante*) are the following words: "If the United States * * * shall provide the means for such drawing."

land, apart from the value of the water rights, is its value for sites of manufactories below the falls; for sites of dwellings for workmen and others, and for the location of canals leading from the head of the falls to the works.

In the case supposed, the United States "takes" under the operation of section 1 of the bill, that is, secures a right to take, a water supply for a population of 1,000,000 inhabitants, say, 200,000,000 gallons per diem. This is the "water right taken." The United States also "takes" about 21 acres of land, about one-half of it being in the bed of the Potomac and the other half being a rocky and uncultivable strip across Conns Island. This is the "land taken."

The words "rights thus granted," near the end of section 2, refer to the right to be secured to the owners of the land by the United States of using, as has just been explained, the remainder of the flow of the Potomac, say two-thirds of the low-water flow and about 97 per cent of the average flow. The value of the water per 1,000,000 gallons per diem (whether it be the water to be taken by the United States, or the remainder to be secured to two of the owners of the falls—the third owner being the United States) should be the same in each case, but in section 2 it is said "the value of any rights thus granted shall be received in part payment of the land and water rights taken." The value of the water "rights thus granted," is immensely superior to the value of the "water right taken," as may be seen by comparing the quantity of water "granted" with the quantity of water "taken," and the difficulty of understanding what is intended by requiring that the value of the former shall be received in part payment of the latter is not explained by the fact that in addition to the "water rights taken" there was "land taken," for, being above the falls, the land is not valuable for any of the purposes just mentioned, and apart from its water rights it is certainly not worth more than \$1,000.

If, under the terms of the bill, all of the water rights at Great Falls, that is to say the entire flow of the Potomac, could be "taken" by the United States—provision being made that all the water not required by the United States should be "granted" back to the owners of the water rights—the intention of section 2 would be apparent, but the bill gives authority to "take" only the quantity of water deemed necessary for the present and future supply of the District of Columbia, say 200,000,000 gallons per diem. The intention of the section would also be apparent if it should, in the opinion of the drawer of the bill, have been considered that the value per 1,000,000 gallons of the water to be "granted" back and secured to the owners of the land, is exceedingly small as compared with the value per 1,000,000 gallons of the water to be "taken" by the United States.

If, as might be inferred from the bill, the co-owners with the United States actually own all the remainder of the water that is not drawn from the river by the Aqueduct, I do not see the necessity, or, as there is a question as to this ownership, the propriety of confirming it by contracts. I think, therefore, that all of section 2 after the word "entitled" in line 7 and all of section 3 comprised between and including the word "and" in line 6 and the word "States" in line 9 should be stricken out of the bill.

(5) It will have been observed that provision was made in the act of 1882 and provision is made in this bill for the ascertainment and payment of damages. The damages referred to are damages to water rights, that is, the diversion of water from the river above the falls through the aqueduct to Washington. This is evidenced by the claims filed under the provisions of the act and by previous claims and by the suit of the Great Falls Manufacturing Company against the United States to which reference has already been made. That caution should be observed in the consideration of what the bill contains respecting these damages is made manifest:

(A) By comparing the magnitude of the extravagant claims for damages already filed with the very small proportion of the water now diverted and of the water that can under the terms of the bill be diverted to Washington as compared with the total flow of the river, and by comparing also the amount of these claims with the amount (\$45,000) that Congress in its act of 1882 deemed sufficient to pay for all the land and water rights at Great Falls that were to be taken under the act.

(B) By an inspection of the plat entitled "Great Falls of the Potomac and Vicinity" which accompanies this report it will be seen that, thanks to the wise foresight about forty years ago of the late Gen. Meigs, the United States is owner of a tract (of about 6 acres) at the Virginia end of the dam; that it is owner of a tract (of about 20 acres) called "Resurvey of Hard to come at," that it is half owner of a tract (of about 99 acres) called "Resurvey on Hard to come at," including Falls Island, and that it is owner of a lot (of about 5½ acres) on which stands the watchman gate-keeper's house, being a part of a tract called Goose Pond.

The total area of these lands is about 130½ acres, and their cost to the United States, including the cost of the water rights belonging to them, was \$3,720.

It is also owner of the right (conferred by the decision in 1879 in the case of the suit of the Great Falls Manufacturing Company against the United States) of main

taining the dam across the Maryland channel at its present height of 148 feet above the height of low tide at the navy-yard at Washington.

As the purchases of the land mentioned carried with them all the water rights belonging to them it would appear, and I have no doubt, although it has so far as I can discover not heretofore been stated or asserted that the United States is of right entitled to more than one-third of all the water rights at Great Falls, and is therefore entitled to more than one-third of all the water flowing there. For the reason that the 45,000,000 gallons per diem now diverted from the river for the supply of Washington is, as has been before stated, but a small fraction of this proportional part of the water, and for the reason that even if there should be diverted the 200,000,000 gallons per diem required for a population of 1,000,000 of inhabitants, this proportional part would still not be nearly reached, I think it extremely doubtful if in respect of their water rights the other owners of land adjacent to the falls have ever been, or will ever be, damaged by the United States by the withdrawal from the river of the water supply of Washington.

(C.) I find in the brief of special counsel for the United States in the suit of the Great Falls Manufacturing Company against the United States for damages to water rights of the former by the construction of the dam across the Maryland channel, which suit was decided in 1879, the following important statement respecting the Toulson tract owned by the Great Falls Manufacturing Company:

"While we do not think the Toulson tract and the riparian rights appurtenant thereto have been invaded by the United States, and contend that they are not entitled to consideration in the present case we deem it proper, in view of the effect which the ascertainment of those rights by the court might have upon a future extension of the dam, to state distinctly our position.

"(1) The court of appeals of Maryland, in a proceeding between the parties to the present suit, held that the State of Maryland, by legislative grant, had conferred, in 1853, upon the United States the soil between the Virginia low-water mark and the *medium filum aquæ* extending from a point above to a point below the falls (21 Md. Rep., p. 119, and pp. 375, 376, 377 record; *Baltimore v. McKim*, 3 Bl., 453.)

"The riparian right appurtenant to the Toulson tract has thus become *res judicata*.

"(2) The court of Maryland had jurisdiction of the *res* because it was included within the grant to Lord Baltimore in 1632 (*see* Bacon's laws of Maryland, vol. —, p. —); and because, further, no act of Maryland has ever ceded this jurisdiction, and there is nothing to show that Virginia ever claimed it."

If my inference drawn from this statement be the true one, then the Great Falls Manufacturing Company, apart from the rights conferred by its ownership of Conn's Island above the Falls has no interest in the water rights (water) at Great Falls, and the Chesapeake and Ohio Canal Company's land being cut off from the main channel of the river by the interposing land of the United States bordering on this channel, called "Hard to come at," the United States owns of right by far the greater part of all the water rights at the Falls. Without regard to its water rights the Toulson tract is, however, the most valuable land at the Falls, it containing, as before stated, the best site for manufactories and other works below the Falls, and also the remains of the old Potomac canal constructed by General Washington in 1785, which is the best, if not the only, location practicable for a canal from the head of the Falls to these sites.

For the reason that the two co-owners with the United States at Great Falls will no doubt employ, in the trials of the suits for damages that are to be had in the Court of Claims in case of failure of the United States to agree with these owners as to values, lawyers skilled in such cases, I think it most important that the sixth section of the bill be so amended as to authorize and direct the employment by the United States in these suits of special legal counsel conspicuous for known familiarity with and experience in the laws regulating riparian rights and in hydraulics. The eighth section of the bill also should be so amended as to provide for payment of this counsel and of witnesses on behalf of the Government. * * *

The amendments that I have suggested, and a few others, the objects of which will be apparent, would, I believe, thoroughly guard the interests of the United States and the District of Columbia, and, for the reasons that follow, I think it of very great importance that, as amended, the bill be passed as soon as possible. The legislation provided for in the bill as amended, is, in my estimation, more important than any other that has been enacted since the construction of the aqueduct.

(1) The decision of the Court of Claims of 1879 having been mainly in respect of the damage to the owners of Conn's Island by reason of the abutting on that island of the dam across the Maryland channel (or rather by reason of an agreement as to this damage in 1862 between the Secretary of the Interior and the Great Falls Manufacturing Company, which the United States, in the suit decided in 1879, claimed to have been illegal), there has not been since the extension of the dam to the Virginia shore, nor at any time, a judicial decision of the extent of the rights of the United States at Great Falls, and this bill furnishes an opportunity for such decision. When

the decision has been made, it would operate for all time, and, when future additions to the Washington water supply have to be made from time to time, as the population increases, the required quantities can be taken from the river without further action of the courts and without further legislation of Congress except the making of the appropriations necessary for raising the dam and other works, if any, required for these additions.

(2) The lands at Great Falls taken by the United States from the Great Falls Manufacturing Company under the operation of and by direction of the act of July, 1882, and several small parcels of land taken, also without payment, from the Chesapeake and Ohio Canal Company, a portion under the operation of the act of July 15, 1882, and the remainder at previous times, have never been paid for.

The lands taken from the Chesapeake and Ohio Canal Company are: The lot at Great Falls on which stands the gatehouse that regulates the supply of water through the aqueduct to Washington; the land extending from this lot to the Maryland bank of the river, including the right to pass the aqueduct under the canal; the land under which is the upper portion of tunnel No. 1, and the land occupied by the aqueduct between the gatehouse and the head of this tunnel; a parcel of parcel in Montgomery County, Md., occupied by a portion of the aqueduct, and a parcel of land in the District of Columbia occupied by the mains leading from the distributing reservoir to the city.

I am told that the charters of the Chesapeake and Ohio Canal Company, derived from the United States and from Maryland, provide that no adverse possession shall hold against any of its properties. If this be the case, an application of the statute of limitations, even if it should be deemed proper and advisable, could not be made to operate against these lands, some of which have been occupied by the works of the Washington Aqueduct for nearly forty years, and the bill should be so amended as to include these lands, to the end that their values may be judicially and fairly determined and paid to the owners.

(3) The question of what are the rights of the United States at Great Falls, how much of the water of the river it is entitled to, should be settled. The language of the bill seems to imply that these rights are very small in comparison with other rights; that the drawing for the Washington supply of the small quantity of water heretofore used and now used (that is to say, small in comparison with future wants), has been, and is, an infringement on the rights of others, and that damage has been done to others. If this be the case, the facts should be known before any new obligations are created. The time has now come when the water supply of Washington must be increased. It is imperative that the present dam at Great Falls be raised throughout its entire length as soon as an appropriation can be obtained for this purpose, and it is my intention to submit an estimate for the work in my next annual estimates. The necessity for this arises from the fact that in summer during the low stages of the river I find it impossible to keep the distributing reservoir up to the height of 146 feet above datum, which is required for the full service of the mains leading from the reservoir to the city. During these low stages of the river, the aqueduct at its intake lacks, in respect of its height, about $2\frac{1}{2}$ feet of being full, and the dam must be raised accordingly. If the dam be raised $2\frac{1}{2}$ feet, not only would the aqueduct never fail to run full, but the "head" of water being raised at the intake, the velocity through the aqueduct would be very much increased. If the bill be passed before raising the dam, the right of the United States to draw the additional quantity of water from Great Falls will have been obtained by the exercise of the right of eminent domain provided for in the bill, and the work can go on without delay. Otherwise the work may be enjoined in the Maryland court and have to be suspended until the legal questions be decided.

(4) It is desirable that all existing contentions and claims against the United States be settled judicially and fairly in the manner proposed in the bill as amended.

The amendments that I would propose are as follows, and they will be found in the copy of the bill herewith, marked A:

In section 1, line 13, insert after the word "all" the word "public," and in the same line strike out the words "ninety days" and insert the words "six months," and in line 30 insert after the word "amendment" the words "or otherwise."

In section 2 insert after the word "height" in line 5 the words "or by raising the dam to such height as may be necessary for the purpose of this act," and strike out all of the section after the word "entitled" in line 7.

In section 3, after the word "height" in line 6 insert the words "or by reason of raising the dam to such height as may be necessary for the purpose of this act. In making the valuations the appraisers shall only consider the present values of the land and water rights, without reference to their values for the uses for which they are taken under the provisions of this act." And strike out all of the words from and including the word "and" in line 6 to and including the word "States" in line 9.

In section 4, after the word "height" in line 6 insert the words "or by reason of raising the dam to such height as may be necessary for the purpose of this act," and

after the word "States" in line 17 add the words "Provided, that the United States shall be represented in such suits by special legal counsel conspicuous for known familiarity with and experience in the laws regulating riparian rights and in hydraulics."

In section 6, lines 2 and 3, strike out the words "one or more" and insert the word "two."

In section 8, line 7, after the word "referees" insert the words "and of special counsel, and witnesses on behalf of the United States."

It will have been observed that the water to be "taken" under the provisions of the bill is strictly for the supply of the District of Columbia, and that the words "the water so taken to be used for any and all purposes," in the twelfth and thirteenth lines of section 1, refer to use of the water in the District of Columbia. It is not apparent that should the bill become a law the use of Potomac water would be extended to purposes other than the purposes of its present use, viz, domestic supply, supply of the public buildings, street washings, and hydraulic power in the District of Columbia. The use for hydraulic power in the District of Columbia must be very limited by reason of the capacity of the aqueduct and of any probable additions to the aqueduct. Should it be desired to use turbines below the falls to operate electric generators for transmitting electric power to Washington and lighting the public buildings, no portion of the water to be acquired under the bill could be used for these turbines. If Congress would authorize the taking, under the operation of the provisions of the bill, of all the water flowing at Great Falls, there would not only be no limit to the quantity of water available for supply to the District, but there would doubtless be an abundance of water remaining for hydraulic machinery (turbines) below the falls, sufficient to operate a number of electric generators adequate not only for the lighting of the Capitol and all the other public buildings, the lighting of all of our streets, and possibly for the working of machinery for the raising of water to the rapidly increasing portion of the District that is above the area that can be supplied by gravity.

For these reasons I think it would be wise that the United States acquire now, under the exercise of the right of eminent domain provided for in the bill, all of the water and water rights at Great Falls, their owners to be paid the amounts to be ascertained in the fair and just manner described in the bill.

For the reason that the capacity of a river for supply or power or both should probably be measured by its low-water flow, its greater flows being intermittent, the capacity of the Potomac at Great Falls may, according to the finding of the Court of Claims in 1879, be considered as 700,000,000 gallons of water per diem. Deducting, say, 200,000,000 gallons for the supply of the Washington of the future, there would never fail to remain for power to be used for the purposes suggested and any others that the public wants of the United States and the District of Columbia may develop, a daily supply of less than 500,000,000 gallons, say, 772 cubic feet per second. The fall is, as before stated, about 70 feet.

In view of the foregoing I have prepared another copy of the bill (marked B), in which are the following suggested amendments:

In section 1 strike out the words "such land and" in line 9 and insert the words "all the." Strike out the word "above" in line 10 and insert the words "in the vicinity of." Strike out in lines 10, 11, and 12 the words "as they may deem necessary for the present and future supply for said District of Columbia." After the word "all" in line 13 insert the word "public." After the word "purposes" in line 13 insert the words "and also such land as may be necessary for these purposes." Strike out the words "ninety days" in line 13 and insert the words "nine months." Strike out in lines 17, 18, and 19 the words "and also the quantity of water per day necessary for the above purposes (in addition to the amount already appropriated and paid for)," and substitute therefor the words "excluding the lands already purchased by the United States and paid for," and in line 30, after the word "amendment," insert the words "or otherwise."

In section 2, after the word "height" in line 5, insert the words "or by raising the dam to any height that may be deemed necessary for the future supply of the District of Columbia and other public purposes," and strike out all of the section after the word "entitled" in line 7.

In section 3, after the word "height" in line 6, insert the words "or by reason of raising the dam to such height as may be necessary for the purpose of this act. In making the valuations the appraisers shall only consider the present values of the land and water rights without reference to their values for the uses for which they are taken under the provisions of this act," and strike out all of the words from and including the word "and" in line 6 to and including the word "States" in line 9.

In section 4, after the word "height," in line 6, insert the words, "or by reason of raising the dam to any height that may be deemed necessary for the future supply of the District of Columbia and other public purposes," and after the word "States," in line 17, add the words "Provided, That the United States shall be represented in

such suits by special legal counsel conspicuous for known familiarity with and experience in the laws regulating riparian rights, and in hydraulics."

In section 6, lines 2 and 3, strike out the words "one or more" and insert the word "two."

In section 8, line 7, after the word "referees," insert the words "and of special counsel and witnesses on behalf of the United States."

I should add that the lands and water rights at Great Falls appear to be unsettled in respect of their titles, and that I am informed that the claim of the Great Falls Manufacturing Company to the title of the Toulson tract, on the Virginia side of the river, is not acknowledged by the Chesapeake and Ohio Canal Company, which once owned, and still claims to own, the property.

I should also add that it is well understood that the land and water rights of the Great Falls Manufacturing Company have been for some years for sale; also that there is now pending in the Maryland legislature a charter giving to a corporation entitled the Great Falls Power Company, authority to erect such dams or other structures in the Potomac River between the Great Falls and the United States aqueduct dam, as may be necessary for the objects and purposes set forth in the charter, which include the selling and leasing of water power, the using of the same for manufacturing and other purposes, and for generating, transmitting, selling, or leasing electricity, electric power and light, with the provision that nothing in the act "shall be construed to give said Great Falls Power Company authority to interfere with any existing rights of the United States." In case of sale of the company's land and water rights there might be no result other than the succession of a new claimant and litigant against the United States to the Great Falls Manufacturing Company, but in case of the granting of the charter just mentioned by the State of Maryland (it has, as I understand, been already granted by the State of Virginia), I should say that if it be held or claimed that such increase is not covered by an existing right, any attempt by the United States to increase the water supply of the District of Columbia would, in the absence of legislation such as is proposed by Senate bill No. 1359, be very likely to lead to contention and litigation.*

In conclusion I may remark that the legislation provided for in the bill as amended seems to me to be of the highest importance to the United States and the District of Columbia, and, in respect of the water supply of the District of Columbia, more important than any that has been enacted since the completion of the aqueduct thirty years ago. I have pointed out what appear to me to be the objectionable features of the bill, I have suggested additions that seem to me important, and I believe that the bill—if it be amended as proposed—will thoroughly guard the interests both of the United States and the District of Columbia.

I do not think the amendments that I have suggested can reasonably be opposed by either of the two coowners with the United States of the land and water rights at Great Falls, except perhaps in respect of the amendment of section 2 by striking out all of the section after the word "entitled," in line 7. The legislation proposed in this portion of the section would no doubt be of enormous advantage to these coowners, but in my judgment it would be in the highest degree inimical to the interests both of the United States and the District of Columbia, and it would be likely to lead to innumerable law suits.

The papers are herewith returned.

Very respectfully, your obedient servant,

GEORGE H. ELLIOT,
Colonel of Engineers.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, U. S. Army, Washington, D. C.

* I understand that the charter referred to has been granted, but that before the passage of the act the Chesapeake and Ohio Canal Company caused to be inserted in the charter a provision that no works shall be constructed by the Great Falls Power Company until the plans have been submitted to the trustees of the canal company, and to the Board of Public Works of Maryland, and approved by each. An agreement is then to be entered into and a bond filed. The United States, which has more at stake, is not thus protected.

Senate Executive Document No. 154, Fifty-third Congress, second session.

LETTER
FROM
THE SECRETARY OF WAR,
IN RESPONSE TO

The Senate resolution of March 1, 1894, inclosing a letter from the Chief of Engineers, with inclosures, relative to the feasibility and advisability of using the water power of the Great Falls of the Potomac or other water power in the neighborhood of Washington, D. C., for the purpose of lighting by electricity the public buildings, grounds, and streets of the District of Columbia, etc.

JULY 23, 1894.—Referred to the Committee on the District of Columbia and ordered to be printed.

WAR DEPARTMENT,
Washington, D. C., July 21, 1894.

SIR: In response to a resolution of the Senate dated March 1, 1894, directing the Secretary of War to investigate and report to the Senate the feasibility and advisability of using the water power of the Great Falls of the Potomac or other water power in the neighborhood of Washington, D. C., for the purpose of lighting by electricity the public buildings, grounds, and streets of the District of Columbia, etc., I have the honor to inclose a letter from the Chief of Engineers, dated the 19th instant, submitting the report of a board of engineer officers dated July 18, 1894, upon the subject-matter of the resolution. The conclusions and the recommendations of the board are concurred in by the Chief of Engineers.

Very respectfully,

DANIEL S. LAMONT,
Secretary of War.

The PRESIDENT OF THE U. S. SENATE.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
Washington, D. C., July 19, 1894.

SIR: I have the honor to submit herewith the resolution of the Senate of the United States, dated March 1, 1894, directing the Secretary of War "to investigate and report to the Senate the feasibility and advis-

ability of using the water power of the Great Falls of the Potomac, or any other water power in the neighborhood, for the purpose of lighting by electricity the public buildings, grounds, and streets of the District of Columbia," etc., together with a report, dated July 18, 1894, of a board of engineer officers, constituted by authority of the Secretary of War by Special Orders, No. 19, headquarters Corps of Engineers, current series, to consider and report upon the subject-matter of the resolution.

I concur in the conclusions of the board that it is feasible to utilize the water power of the Great Falls as specified in the resolution, and that this power will be insufficient to furnish light to private consumers.

Should the United States determine to acquire all the water rights at the Great Falls and utilize their power as determined in this report for lighting the public buildings and grounds and the streets of Washington the employment of a commission of electrical experts to fix the details as recommended is concurred in.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

OFFICE OF THE WASHINGTON AQUEDUCT,
Washington, D. C., July 18, 1894.

GENERAL: I have the honor to submit herewith the report of the board of officers of the Corps of Engineers, U. S. Army, convened by Special Order, No. 19, headquarters Corps of Engineers, Washington, D. C., April 19, 1894.

Senate resolution dated March 1, 1894, which was referred to the board, is returned herewith.

Very respectfully, your obedient servant,

GEORGE H. ELLIOT,
Colonel of Engineers, President of the Board.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, U. S. A., Washington, D. C.

WASHINGTON, D. C., *July 18, 1894.*

Report of a board convened by an order of which the following is a copy:

SPECIAL ORDERS, }	HEADQUARTERS CORPS OF ENGINEERS, U. S. ARMY,
No. 19. }	<i>Washington, D. C., April 19, 1894.</i>

[Extract.]

1. By authority of the Secretary of War, a board of officers of the Corps of Engineers, to consist of Col. George H. Elliot and Capt. John G. D. Knight will assemble in this city, on the call of the senior member, to consider and report upon the feasibility and advisability of using water power in the neighborhood of Washington, D. C., for providing electric light for public and private use in the District of Columbia.

By command of Brig. Gen. Casey:

JOHN G. D. KNIGHT,
Captain, Corps of Engineers.

By indorsement of April 20, 1894, the Chief of Engineers referred to the board a copy of a resolution of the Senate, dated March 1, 1894, with instructions that it was not desired that the board should submit a detailed report, but rather a general presentation of the subject, such as would result from a reconnoissance of the ground, etc., and that the report would not include the legal question relating to land and to water rights, but only the engineering problems involved.

The resolution is as follows:

Resolved, That the Secretary of War be directed to investigate and report to the Senate the feasibility and advisability of using the water power of the Great Falls of the Potomac, or any other water power in the neighborhood, for the purpose of lighting by electricity the public buildings, grounds, and the streets of the District of Columbia. Said report shall suggest the method by which the right to use said water can be acquired and what steps should be taken, by legislation or otherwise, to acquire said water power and the land needed adjacent thereto; also a general plan of the electric plant needed at said falls and of the wires needed between said plant and the different parts of said District, and an estimate of the cost; also, whether said power will probably be sufficient to furnish light to private consumers within said District, and suggestion of the terms and regulations under which it shall be furnished.

By letter of April 27, 1894, the Adjutant-General of the Army directed First Lieut. Samuel Reber, Signal Corps, to report to the president of the board for such duty as the latter might require; and the board desires now to acknowledge its indebtedness to that officer for valuable services relating to, suggestions of, and estimates for hydraulic and electric plant.

The board met April 24, 1894, and on subsequent days, and visited Great Falls, having examined the Virginia and Maryland banks of the Potomac River above, at, and below the falls, and also the Chesapeake and Ohio Canal level above Seneca Falls, 8 miles above Great Falls.

It is of the opinion that it is both feasible and advisable to use the water power of the Great Falls for the purpose of lighting by electricity the public buildings and grounds, and the streets of the District of Columbia.

The board bases these conclusions on a study now to be indicated.

THE WATER POWERS IN THE VICINITY OF WASHINGTON.

The Little Falls.—The Little Falls are about $4\frac{1}{2}$ miles above Washington. The fall, as we find in a drawing based on the surveys made in 1852 under the direction of the late Gen. M. C. Meigs, then a lieutenant in the Corps of Engineers, U. S. Army, is about 35 feet in a distance of about $1\frac{3}{4}$ miles.

The greatest freshet in the river of which there is authoritative record occurred June 2, 1889. The river rose at Chain bridge, just above the foot of the falls, to 43.3 feet above tide level, and remained within 3 feet of that height for about twenty-four hours, and within 6 feet for about thirty hours. In other words, for about thirty hours the river at the foot of Little Falls was above the low-water level at the head of these falls. During this freshet the river rose to a height of 16 feet above the crest of the dam at Great Falls.

In November, 1877, there was another great freshet, in which the river rose to a height of 12 feet above the crest of the dam at Great Falls, which then extended only to Conns Island, across the Maryland channel, the Virginia channel being unobstructed. No record is available of the corresponding height in the vicinity of Little Falls.

It is recorded that in 1852 the river at Seneca Creek, which is about

8 miles above Great Falls, lacked but 8 inches of reaching the height it attained in 1877.

These facts lead to the conclusion that any plant established to utilize the power at Little Falls, would have been practically inoperative during a period of at least thirty hours in June, 1889, probably inoperative both in 1877 and 1852, and that the variability of the water power in this vicinity is too great to justify relying upon it for the purpose under consideration.

The Great Falls.—The Great Falls is a series of rapids in the river extending about 2,000 feet, in the course of which the river falls about 76 feet. They are about 14 miles above Washington. At the head of the falls is the dam of the Washington Aqueduct, 2,877 feet long, extending across the river from the Maryland to the Virginia shore. From a point on the Maryland side of the river, and just above the dam, leads the Washington Aqueduct, the upper portions of which are mostly in tunnel.

FEASIBILITY.

In answering the question as to the feasibility of using the water power at Great Falls for lighting by electricity the public buildings and grounds and the streets of Washington, we must first know whether electrical power can be transmitted so great a distance, whether it is practicable to construct a power canal around the falls and a power plant below the falls, the amount of power available, and the amount of power that will be required.

The distance to which electrical power can be transmitted.—Messrs. Houston and Kennelly, of Philadelphia, recently made an estimate of the distance to which Niagara water power can be economically transmitted by electricity, and in connection therewith stated that “under ordinary conditions the commercial limit of electrical transmission of power from waters of less than 500 kilowatts (670-horse power) can hardly exceed 50 miles,” or about three times the distance involved in the case now under consideration. To-day 2,000-horse power are transmitted from the falls at Tivoli, 18 miles, over the Campagna to Rome, where part is used for arc lighting of streets and the remainder distributed for use in houses.

Electricity generated by machinery actuated by the water power of the falls of the Willamette River is transmitted 13 miles to Portland, Oreg., where it is applied to lighting. Furthermore, July 13, 1893, a committee, composed of Profs. George Forbes and W. C. Roberts-Austen and Col. J. Pennycuik, of the Royal Engineers, reported on the utilization of water power at the Perriya irrigation works in India. This committee, after considering the relative cost of this power and of steam power, reported that there would seem to be every probability that a large portion of the available water power could be profitably used at a distance of 350 miles from the works.

We therefore find that electrical power can readily be transmitted from Great Falls to Washington.

Sites for a power canal and a power plant.—The Maryland side of the river at Great Falls is rocky and precipitous, and the only available place for a canal on this side of the river is occupied by the Chesapeake and Ohio Canal. On the Virginia side the foot of the hills is somewhat retired from the shore of the river, leaving a kind of plateau extending from above to below the falls. Through this plateau passed the batteaux canal, constructed in 1785, of the old Potomac Company,

of which Gen. Washington was president, and of which portions of the bed and the locks still remain. Our examination of the locality leads to the conclusion that, while the construction of a power canal and a power plant on the Virginia side of the river would not be free from difficulties, it may be accomplished within a reasonable cost.

The amount of power available.—While no series of measurements of the flow of the river in the vicinity of Great Falls or profiles of the river in floods at that place are available, there is a record of the height of the river on the dam immediately above the falls which record is almost continuous since the completion of the dam in 1886. The flow can not be mathematically connected with the recorded heights, but may be approximately. In 1856, the river being at an unusually low stage, Mr. W. R. Hutton, C. E., assistant engineer to the late Gen. Meigs, then captain, determined by measurement the flow at a favorable place below Great Falls to be 1,065 cubic feet per second, which measurement was accepted by the Court of Claims in a suit of the Great Falls Manufacturing Company against the United States as the minimum flow of the river at that point. From several years' observations, the records of the Washington aqueduct show that at the lowest stages of the river the water at the gauge above the Great Falls dam is 0.5 foot higher than the crest of the dam.

It is assumed then that when the gauge reads 0.5 foot, the flow of the river is at the rate of 1,065 cubic feet per second.

Let it be assumed that 75,000,000 gallons per diem will (until another conduit be constructed) be the maximum amount of water that will be required for water supply to the District of Columbia. Seventy-five million gallons per diem are equal to 116 cubic feet per second. The amount of water at low water available for power will then be $1,065 - 116 = 949$ cubic feet per second. If it be assumed that the available fall of the river at Great Falls is 70 feet, the number of horse powers available at the lowest stages is 7,524, and taking 0.85 as the efficiency of turbines, the power of a series of turbines below the falls at the lowest stages of the river would be 6,395-horse powers.

The quantity of water flowing over the dam available for power below the dam, and also the number of horse powers, vary in proportion to the square root of the cube of the height of the water on the dam. Assuming 1,065 cubic feet per second to be the flow corresponding to a river height of 0.5 foot above the dam, the flow corresponding to the recorded heights for the two fiscal years ending June 30, 1892, and June 30, 1893, has been computed, and also the corresponding number of horse powers that would have been effective on turbine shafts below the falls. The former year may be considered an average year as regards low-water flow; the latter was a year of extraordinary low water. For six days in the year ending June 30, 1893, this horse power would have been 6,395; for seventy-three days in this year and seventeen days in the previous year it would have been 8,648. The corresponding gross horse powers are 7,524 and 10,175, differing by 2,651. This difference corresponds to a flow of 375 cubic feet per second. Were this additional flow provided for during the period of low water, the effective horse power would be increased from 6,395 to 8,648.

Seven and a half miles above Great Falls, and near the mouth of Seneca Creek, a site seems favorable for the construction of a low dam behind which there could be provided a reservoir area of about 2.5 square miles without overflowing the river banks, and of about 8 miles if adjacent lands be submerged. If this greater extent were utilized it would be necessary to raise the banks of the adjacent canal and

strengthen the arches of the culverts under it. With every foot in depth of water stored in this reach of the river the low-water flow at Great Falls could be increased to a flow corresponding to 8,648-horse power for about two and two-tenths days, so that it may be possible to provide sufficient storage to tide over periods of extreme low water by a dam so low as not to cause the banks above to be submerged, possibly by a movable dam which, when lowered, would exercise no deleterious influence on property above, by backwater in times of freshets.

Further study of this subject of storage should be accompanied by surveys and velocity measurements for which, and other purposes, no funds were at the disposal of the board. Until such study be made it is prudent to consider that only 6,395-horse power would be available at turbine shafts below the falls, and that this amount may possibly be increased by storage to 8,648.

The amount of power required.—It has been found impossible to arrive at an exact determination of this amount. Gas and electricity, sometimes one, sometimes the other, or both, are in actual or contemplated use, but the numbers of gas burners or of electric lamps, or of electric lamps that should replace burners and the numbers of hours of service of such lamps are not readily to be determined. Fortunately it has been possible to obtain from Chief Engineer Thom Williamson, U. S. Navy, superintendent of the State, War, and Navy building, the hourly records of the electric service in that building and other data relative to its lighting by both gas and electricity. From these records some idea has been formed as to the load of an electric plant required for lighting Department buildings, and from other data some guide has been obtained for an estimate of the number of electric lamps required to replace burners in these buildings. Data has also been obtained relative to the lighting of the White House, nearly all the Department buildings, and other public buildings and the public grounds.

The following estimates for street lighting are based upon data obtained from the annual reports of the operations of the engineer department of the District of Columbia, and from statistics of May 31, 1894, kindly furnished by Capt. Powell, the Engineer Commissioner of the District of Columbia:

	Lamps in service.			Yearly hours of service of gas lamps.
	Gas.	Oil.	Arc (actual 1,000-candle power).	
June 30, 1880.....	4,048	.....	.....	2,200
June 30, 1893.....	5,954	700	332	3,000
May 31, 1894.....	6,246	747	327	*3,900

* Recommended by the Commissioners of the District of Columbia.

Where arc lights have been substituted for gas in the District service, 1 arc light has replaced 2.08 gas lamps. But this high ratio would not probably be maintained throughout the District, and in estimating for future needs, the ratio of 2.5 gas lamps to 1 arc lamp has been used. Under this assumption 3,124 arc lamps are required for the present street service, and if the area to be ultimately lighted is taken as double that which is now densely lighted, the conclusion is reached that 6,340 arc lamps will then be required.

The following is a table of the electric lamps now required for public needs:

	Incandescent (16-candle power).	Arc (actual 1,000-candle power).
Streets.....		3,124
Capitol grounds.....		75
Public grounds.....		82
Departments:		
Treasury.....	3,700	
Justice.....	300	
Post-Office.....	2,000	
Interior.....	3,200	
Agriculture.....	685	
District buildings.....	2,400	
Washington Barracks.....	500	30
(a) Individual steam plants in use for partial lighting:		
Capitol.....	7,150	
White House.....	1,350	
State, War, and Navy building.....	2,400	
Department of Agriculture.....	200	
Public Printing Office.....	4,600	
(b) Individual steam plants now available for entire service:		
Congressional Library.....	8,000	
Washington Monument.....	98	
	36,583	3,311

To determine the horse power required for the above service, which includes all of the public buildings, grounds, and streets of Washington, it is assumed that each 16-candle power incandescent lamp will require 64 watts and each arc lamp 450 watts; that 83 per cent of power at the turbine shafts is effective for incandescent lights and 68 per cent for arc lights, and that four-tenths of the maximum incandescent load may be required at the same time as the full arc load. Under these assumptions 4,458 horse power should be available at the turbine shafts for generating the electricity required for the lights above tabulated, which is 0.70 of the horse power which may be made available without storage at the lowest river stage. The remaining 30 per cent, or 1,937 horse power, can for the present be used for pumping from the United States mains to the high-service area of the city and for other public purposes.

We find, then, that electrical power can readily be transmitted from Great Falls to Washington; that there can be constructed, at reasonable cost, a power canal around the falls and a power plant below them; that there are available at the lowest stages of the river 6,395 horse power, without storage of water above the falls in the Seneca reach of the river, and 8,648 horse power with such storage, while 4,458 horse power only are required for the present lighting purposes; and we therefore come to the conclusion that it is entirely feasible to use the water power of the Potomac at Great Falls for the purpose of lighting the public buildings, grounds, and streets of the District of Columbia.

It may be remarked in this connection, that eventually 3,216 additional arc lights will be required for lighting public grounds and streets, calling for 2,853 horse power, and that the lighting of public grounds and streets alone will then require practically all the power available without storage.

Groups (a) and (b) of the table above consist of buildings whose partial or entire lighting is provided for by electric plants operated by individual steam plants already provided. Should none of the water power be applied to their lighting, 2,920 horse power will, for the immediate present, be available for other purposes mentioned above.

But during the past fourteen years the number of street lights in use in the District has doubled. As the increase continues, a time will arrive when the available water power will not suffice for the lighting of all the streets and the public buildings and grounds. Auxiliary steam power will then be necessary. The most economical application of this power will be, not to the lighting of streets, involving the expense of conduits and mains, but to the lighting of buildings, for in these buildings the steam plants may be located and utilized at the same time for motive power or heating, while the losses of transmission and the cost of conductors will be minimized. In the end but one-tenth of the water power will be in excess of the needs for street lighting alone, and this would not be an unreasonable reserve.

ADVISABILITY.

The question of the advisability of using the power of the Potomac at Great Falls for the public purposes mentioned in Senator Mander-son's resolution depends on the present cost of lighting the public buildings and grounds, and the streets of Washington, as compared with the probable cost of lighting under the proposed system, and also on the probable cost of the works required for the latter system and the probable cost of operation.

The cost of lighting under the present system and the probable cost under the proposed system.—During the year ending December 31, 1893, the city of Chicago operated 1,110 arc lamps from 4 power stations at an average cost of \$96.64 per lamp per year, using steam power and underground circuits. This cost does not include interest, depreciation, or taxes. The entire cost of land, buildings, plant, dynamos, lamps, posts, conduits, circuits, and all the other items charged to construction December 31, 1893, was \$688,312.80.

The mayor and board of public works of Evansville, Ind., reported February 28, 1894, to the common council of that city upon the feasibility of the city owning its own electric plant. This report contains a list in which are to be found 16 cities, besides Washington, using 300 or more arc lamps. Thirteen are lighted by private contract at an average yearly cost per lamp of \$111.12, *St. Louis being furnished 2,000 arc lamps at a charge of \$75 per lamp*. Three cities own and operate their own plant at an average cost per lamp of \$85.62, the cost in the case of Wheeling, one of the three, *being \$62 per lamp for 400 lamps*.

June 20, 1894, contracts for lighting some of the streets of the city of Baltimore with electricity were awarded at \$127.75 per arc lamp per year. But two bids were received, one for the eastern district, the other for the western district. The partition of the city was made by the companies bidding, which thus avoided the risk of one underbidding the other and enabled both to secure the maximum price for lighting service fixed by ordinance. One company furnishes 635 lamps, the other 404.

At present the yearly charge to the District for each arc lamp is \$182.50.

From these figures it is apparent that this city is paying far above the average charge for arc lights, and about double the cost of such lighting to cities owning and operating their own plant. The figures given are based upon the use of steam plant with its expensive coal consumption.

Estimates which are given herewith have been made of the cost of operating a system actuated by the water power of the falls, and they give \$52.33 for the cost per arc light per annum.

It has been assumed that each arc light would replace 2.5 gas burners. The present contract price for each gas lamp per year is \$21.50; and at this rate the annual cost for two and a half lamps would be \$53.75. The estimated annual cost of an arc light is therefore about the same as the annual cost of the gas burners it would replace.

The advantage in using the water power of the Great Falls for lighting the streets and grounds of the District will be the increased amount of light afforded for the same annual expenditure.

From the foregoing the board concludes that it is advisable to use the water power at Great Falls for the public purposes indicated in the resolution.

GENERAL PLAN OF PLANT.

The general plan of the plant needed may be outlined as follows: Vertical turbines directly coupled to comparatively low-tension alternating-current generators. The potential of the current to be raised by transformers to 10,000 volts and transmitted by an aerial line to the city limits and thence to a convenient distributing station in Washington, by underground cables, and there utilized to actuate polyphase motors. These motors to be mounted on shafts, to which shall be coupled armatures of direct-current dynamos, each generating unit to be for 100 or 125 lights.

Without surveys it is not practicable to furnish an estimate of the cost of constructing the canal; but an approximate estimate of the cost of all hydraulic and electric plants, buildings, aerial line, conduits and lamps, is \$3,764,930. This is for the utilization of that part of the water power of the falls which is deemed available without resort to storage, i. e., 7,524 gross horse power, or 6,395 at the turbine shafts.

This power, even if increased by resort to storage, will not be sufficient to furnish light to private consumers.

Estimate of cost.

Hydraulic plant of 12,800 H. P.*	\$64, 300
Building for same.....	51, 200
Electric plant	109, 710
Aërial line.....	102, 150
Distribution plant	250, 000
Building for same	20, 000
Cable for mains and lamps	492, 600
Conduits	2, 250, 000
Lamps and standards	424, 970
	3, 764, 930

Estimate of cost of operating expenses.

Hydraulic plant:		
Repairs, 12,800 H. P., at 57 cents.....	\$7, 296	
Attendance and supplies, at \$1.44	18, 432	
		\$25, 728
Electric plant:		
Repairs, 4½ per cent.....	4, 388	
Attendance and supplies	9, 720	
		14, 108
Aërial line:		
Repairs, 1½ per cent.....	1, 534	
Attendance	6, 480	
		8, 014

* For the reason that the available hydraulic head is liable to be reduced about one-half in times of freshets the plant estimated for is correspondingly increased.

24 WATER POWER OF THE GREAT FALLS OF THE POTOMAC.

Estimate of cost of operating expenses—Continued.

Distribution plant:	
Repairs and supplies, 6 per cent.....	\$16,200
Attendance.....	12,240
	\$28,440
Cables:	
Repairs, at 10 per cent	49,260
Conduits:	
Repairs, at 1½ per cent	33,750
Lamps and standards:	
Repairs, at 8 per cent.....	34,000
Administration	10,000
Expenses for 6,527 arc lights.....	203,300
Expenses for one arc light	31.10
Add for attendance	14.46
carbons	6.77
Total expense per annum for one arc light	52.33

It should be remembered that the above estimates are for a plant capable of utilizing the entire power of the falls without resort to storage, and sufficient for lighting all of the probable future area of the city.

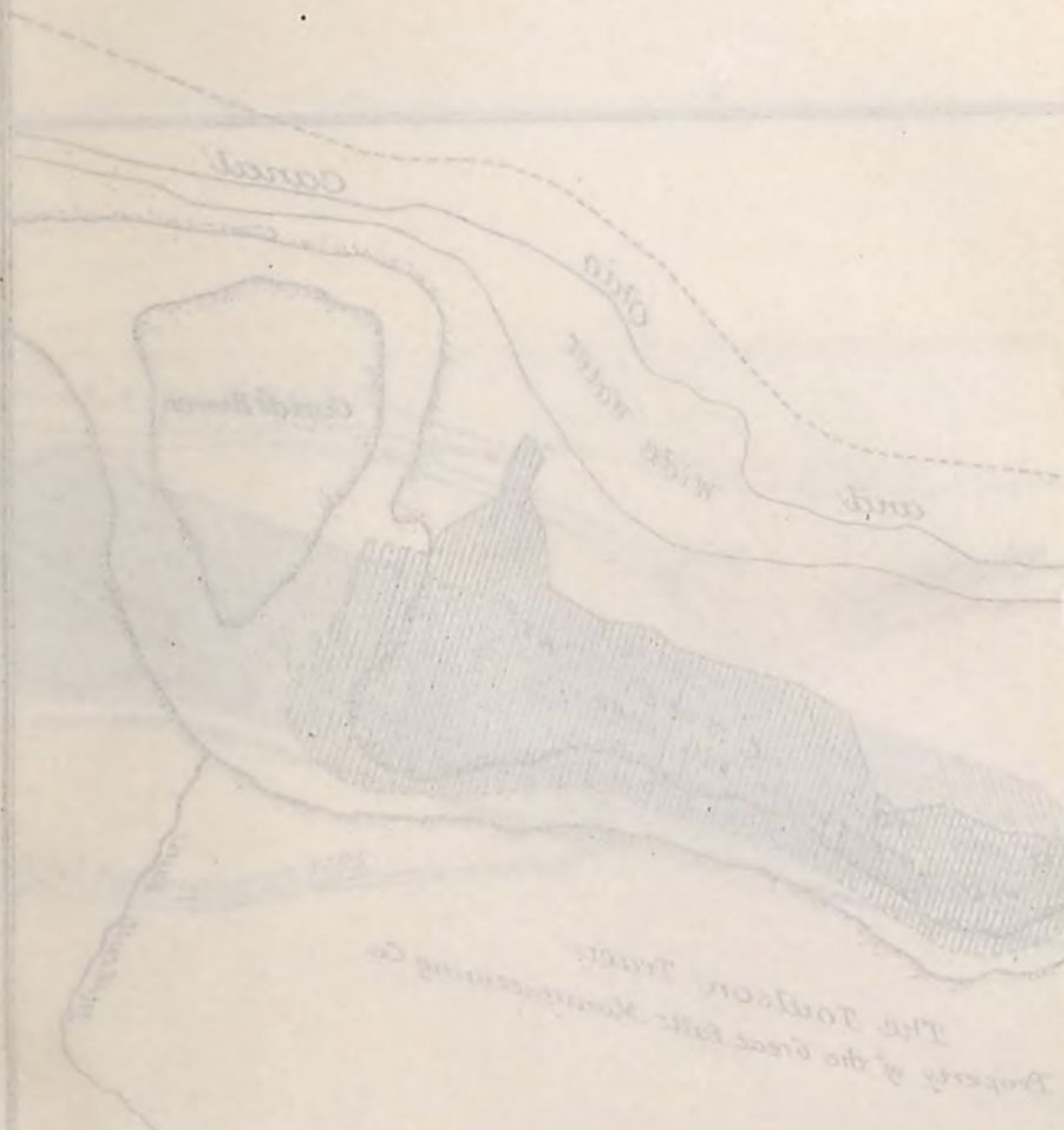
To these estimates should be added the costs of lands, of canal construction, and of annual repairs of canal.

If the plant be limited to the present needs of the city, including the public buildings and grounds and streets, the estimated cost of plant so limited, and not including the cost of wiring buildings, is \$2,441,030, and the estimated annual cost of operating the same is \$201,790. As far as can be ascertained from the data furnished the board, the expenditure for the year ending June 30, 1893, for the above lighting was:

For gas and oil	\$187,991.31
For electricity from plant not owned by the United States.....	77,198.24
For electricity from United States plant	29,968.25
	295,157.80

METHOD BY WHICH THE RIGHT TO USE THE WATER-POWER AT GREAT FALLS CAN BE ACQUIRED, AND WHAT STEPS SHOULD BE TAKEN BY LEGISLATION OR OTHERWISE TO ACQUIRE SAID POWER AND THE LAND NEEDED ADJACENT THERETO.

The three riparian owners at Great Falls are the Chesapeake and Ohio Canal Company, the Great Falls Manufacturing Company, and the United States. The lands of the Chesapeake and Ohio Canal Company are mainly cut off from the channel of the river by the interposing lands of the United States, and the proportion of its ownership in the power of the falls must be very limited. The Great Falls Manufacturing Company claims the "Toulson tract," on the Virginia side of the river, through which a power canal around the falls would have to pass and on which, below the falls, buildings containing hydraulic machinery would have to be constructed. It is also owner of Conns Island, above the falls, which island is the basis of claims still pending against the United States for damages to the water rights of the company. The United States is the owner of several pieces of riparian property at the falls, and although the proportions of the water rights at the falls belonging to the respective riparian owners have never been determined, judicially or otherwise, it appears to be certain that the United States is by far the largest of these owners.

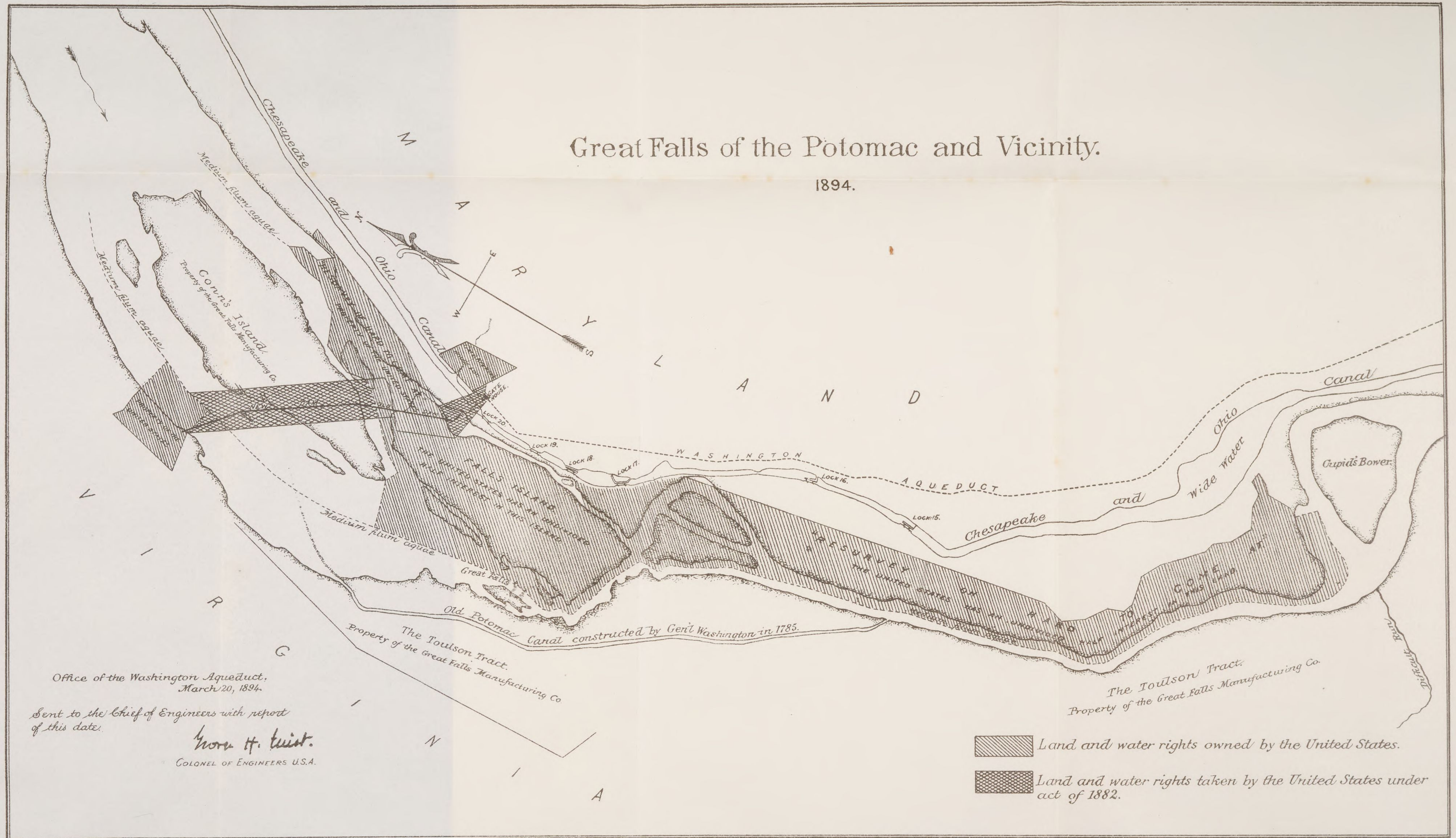


The Johnson Tract
Property of the Great Falls Manufacturing Co

and water rights owned by the United States
of 1852

Great Falls of the Potomac and Vicinity.

1894.



There is now pending in Congress a bill (S. 1359 and H. R. 7280), of which a copy is transmitted herewith, entitled "A bill to amend an act approved July 15, 1882, entitled 'An act to increase the water supply of the city of Washington, and for other purposes.'" The bill provides for the acquisition by the United States, by the right of eminent domain or otherwise, of all the lands and water rights at Great Falls not now owned by the United States. It has been favorably reported by the Senate Committee on the District of Columbia (copy of report also herewith), and it appears to provide a fair and equitable method by which the water rights referred to can be acquired.

. RECOMMENDATION.

For the reason that there were no funds provided for the use of the board, none of the surveys required for determining the location of the power canal and power plant at Great Falls that would be required for utilizing for electrical purposes the power of the falls now wasted and the cost of these works could be made.

This cost, the cost of the necessary works in this city and of the line connecting the two systems, will be so considerable that they should not be undertaken before plans have been very carefully and elaborately worked out, and the board therefore begs to suggest that to this end there be enacted a provision of law similar to the one contained in the District appropriation act of August 6, 1890, which authorized the appointment by the President of a board of electrical, etc., experts, to consider the location, arrangement, and operation of electric wires in the District of Columbia; and the board also suggests that there be immediately appropriated the sum of \$10,000 to meet the expenses of the said board.

GEORGE H. ELLIOT,
Colonel, Corps of Engineers.
JOHN G. D. KNIGHT,
Captain, Corps of Engineers.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1896.—Ordered to be printed.

Mr. PROCTOR, from the Committee on the District of Columbia, submitted the following

REPORT:

[To accompany S. 1823.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," have had the same under consideration, and report as follows:

This subject was before the Senate in the second session of the Fifty-third Congress, and at that time was made the subject of the most exhaustive research and study, the results of which were fully comprised in the report made on the bill (S. 1359) in that Congress and the documents therewith published, and your committee therefore think it is unnecessary to make any other report than to refer to that report and the documents thereto attached and make the same a part of this report. All the reasons urged at that time are of equal force now, and the further observation may be added that the Great Falls Manufacturing Company have withdrawn any objection they may have had to this bill and are now willing it should pass, and are willing to convey their rights upon reasonable remuneration. There are also published some recent additional statements by Colonel Elliott and letters of the District Commissioners and Captain Burr of the office of the District Engineer Commissioner.

Your committee recommend unanimously that the bill do pass as amended.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 15, 1896.

DEAR SIR: The Commissioners have the honor to make the following report on Senate bill 1823 "to amend an act approved July 15, 1882, entitled 'An act to increase the water supply of the city of Washington, and for other purposes,'" which was referred to them at your instance for their examination and report.

As the Washington Aqueduct and the dam at Great Falls are under charge of the War Department, the Commissioners suggest that the bill be referred to the Secretary of War.

They, however, desire to express their opinion that the United States should, for the public interests, acquire all the water rights at Great Falls, in order to put an end to pending contentions and prevent future ones arising from a divided ownership, and to make use of the water at the falls not necessary for water supply, for the purpose of public electric lighting and power. It is believed after securing a

full water supply, that the surplus power is ample to provide electric lighting for the streets, avenues, parks, and public buildings, for pumping for the water department, and for operating machinery in public buildings; there is a continuing and increasing expense for each of these works, which would be materially diminished by the use of a public electric power. Such power could also be advantageously used for pumping in the proposed sewage-disposal works.

The Commissioners submit herewith a statement upon the matter by Captain Burr, Corps of Engineers, assistant to the Engineer Commissioner, and in charge of the water department, and invite attention to Senate Executive Documents Nos. 154 and 396, Fifty-third Congress, second session, treating in full upon the subject of the bill. The latter-named document contains an exhaustive report, dated March 20, 1894, of Col. George H. Elliott, Corps of Engineers, engineer in charge of the Washington Aqueduct, of the status of the water rights at Great Falls and the original recommendation that the United States acquire all of the water and water rights at that place.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Senator JAMES McMILLAN,
Chairman Committee on the District of Columbia, United States Senate.

OFFICE ENGINEER COMMISSIONER, DISTRICT OF COLUMBIA,
Washington, February 11, 1896.

MAJOR: I have the honor to submit the following statement with respect to Senate bill 1823, Fifty-fourth Congress, first session, being a bill "to amend an act approved July 15, 1882, entitled 'An act to increase the water supply of the city of Washington, and for other purposes.'"

This bill provides for the purchase for the United States of all the water rights at and in the vicinity of Great Falls, on the Potomac River, the water so taken to be used for any and all public purposes, and also such land as may be necessary for these purposes. The bill also prescribes the method of determining the amount of land to be taken and the value thereof, and of the water rights taken. Also the methods and funds for paying for the water rights and land taken, and, after stating that these things are taken for the use of the District of Columbia, it prescribes that all payments authorized, including expenses of proceedings, shall be made as in the case of judgments rendered by the Court of Claims against the District of Columbia.

There can be no question that the existence of the Great Falls of the Potomac, its water rights, power, and privileges, is of great value to the city of Washington and the District of Columbia. The United States, directly through its ownership of large amounts of property in the District and indirectly through the presence in the city of many of its officers and of many visitors, all brought here by reason of its being the seat of government, has certainly a large interest in all that pertains to the welfare of the District of Columbia.

Of all the interests of this city none is greater than its water supply. In this, by reason of its use of water in its public buildings and grounds, the United States is largely and directly interested. The Potomac River at Great Falls is the source of our water supply, which was provided in the first instance by the United States for use in the public buildings and grounds, the city being granted the use of the surplus for municipal purposes. The means of supply has since been increased from time to time, in part at the expense of the District of Columbia; and the general principle followed with regard to other expenses of the District appears now to be recognized as applying to expenditures on account of increasing the water supply, one-half being chargeable each to the United States and to the District of Columbia.

The United States first acquired land at Great Falls and the water rights appertaining thereto when the provision of the present system of water supply was undertaken. When the increase of the water supply was undertaken in accordance with the act of July 15, 1882, certain additional lands and water rights were taken. The claims of the parties owning these lands and water rights have not yet been settled. With each increase in the water supply the same difficulty will no doubt be encountered in arriving at a settlement with the parties interested for the land and water rights taken. It would seem to be but a wise business foresight on the part of the United States to acquire now for the benefit of the District of Columbia such lands and water rights at Great Falls as will suffice for all time. The acquisition of all of the water rights at Great Falls will probably never be necessary for the supply of water, but it will be necessary in order to put an end to contentions arising from a divided ownership of these rights, and the excess above that necessary for the water supply can be used to very great advantage for electric lighting and power purposes.

This matter has been very ably and fully discussed by Col. G. H. Elliot, Corps of Engineers, formerly in charge of the Washington Aqueduct (Senate Report No. 396, Fifty-third Congress, second session), and by a board of engineers appointed to consider the feasibility and advisability of using the water power at Great Falls for lighting by electricity the public buildings, grounds, and streets of the District of Columbia. (Senate Ex. Doc. No. 154, Fifty-third Congress, second session.)

These reports show the desirability of sole ownership by the United States of all the water rights at Great Falls, and also show that the water available at the lowest stage of the river is sufficient to furnish a supply of 200,000,000 gallons per diem, and in addition to furnish sufficient power for lighting all of the public buildings, grounds, and streets in a much better manner and at a considerable annual saving over the methods now in vogue. The general drift in municipal lighting at the present time is toward municipal ownership of the plant for such lighting. Such ownership has resulted in an increase in both quantity and quality of the service, with a decrease in the cost. The lighting of public grounds and streets in the District of Columbia is at present very deficient—much below the standard set in other branches of municipal work—and the service should be largely increased. By the use of the large water power available at Great Falls this service can be raised to that degree of efficiency that modern requirements demand, and a model service can be secured at a minimum of annual expense.

For the reasons stated above, the passage of this bill can not be too strongly recommended.

Those portions of the bill referring to the methods to be followed in taking the necessary lands and water rights, and in arriving at their value have not been considered, excepting so much as places the administrative features of the taking, etc., under the authority of the Secretary of War and the Attorney-General. Since the lands and water rights are to be secured for the use of the District of Columbia, and one-half of the cost thereof is to be paid from its revenues, it would seem but right and proper that the District should have an equal representation with the United States on the commission that is invested with the powers conferred by this act. This commission should include two of the Commissioners of the District of Columbia, one of whom should be the Engineer Commissioner.

Very respectfully, your obedient servant,

EDW. BURR,
Captain, Corps of Engineers.

Maj. CHAS. F. POWELL,
Corps of Engineers, Engineer Commissioner, District of Columbia.

Memoranda respecting Senate bill 1823, Fifty-fourth Congress, first session, which has been approved by the Chief of Engineers, the Secretary of War, and the Commissioners of the District of Columbia. (These memoranda have been mainly taken from Senate Executive Document No. 154, Fifty-third Congress, second session.)

[Compiled by Col. George H. Elliott.]

The amount of water of the Potomac flowing at Great Falls during low-water periods is about 1,065 cubic feet per second, or about 700,000,000 gallons per diem.

The amount of water now diverted from the river for the supply of Washington is about 50,000,000 gallons per diem.

The amount of water that the raising of the dam at Great Falls now in progress will permit to be diverted from the river for the supply of Washington is about 75,000,000 gallons per diem—an increase over the present supply of about 25,000,000 gallons per diem. Other increases of the amount of water required for the supply of Washington will be necessary from time to time and it is estimated that not less than 200,000,000 gallons per day will ultimately be required.

Deducting, say, 75,000,000 gallons per diem diverted from the river above the United States dam at Great Falls, then, when the raising of the dam shall have been completed next fall, there will pass over the dam and run to waste at low-water periods (which amount to several months of every year) not less than 950 cubic feet per second. The length of the rapids is about 2,000 feet. The available fall is about 70 feet. The power of this quantity of water with this fall is equal to about 7,500 horsepower.

Taking 85 per cent as the efficiency of turbines there would be available at the foot of the falls about 6,400 horsepower which could be used for generating electrical power, and this power would be more than sufficient to light all the public buildings and grounds of Washington and replace all of the gas lights of the city by electric lights, so that all of the streets of the entire city would be lighted as Pennsylvania avenue, Fourteenth street, and Seventh street are now lighted. This light-

ing would require at present about 4,500 horsepower, say, 70 per cent of the power of the falls available even at low-water periods of the river when the water runs 6 inches deep over the United States dam at the falls. When the water runs more than 6 inches deep over the dam there is more water running to waste, and the more water the more power.

The remaining 30 per cent, say 1,900 horse power, would, for the present, be available for electrical power for pumping water to the high-service areas of the city, for running the elevators in the public buildings, for heating these buildings, and for other public purposes. Ultimately, as the city increases in extent, this remainder of power will be required for the lighting of the extensions of the street systems.

If the remainder of the water rights at Great Falls not now owned by the United States be acquired, and an electrical plant be instituted there, it is estimated that the cost of arc lights for lighting the streets of Washington would be reduced to about \$52 per annum, and that not only all the gaslights now used in lighting the streets and the public buildings and grounds of Washington could be replaced by electric lighting, but that there would be a saving of nearly \$100,000 per annum of the present cost of lighting.

The only dam at Great Falls is the one built and owned by the United States. It extends from the Maryland to the Virginia shore, and is about 3,000 feet long. Its cost when the raising of its present height shall have been completed, including the expenses connected with the dam, will be about \$300,000. Neither of the coowners with the United States can utilize its share of the water rights except by constructing another dam below the Government dam.

The United States is already, it is believed, by far the largest owner of the water rights at Great Falls, but the limit of this ownership has never been determined judicially or otherwise. The rights of the United States, but a fraction of which have ever been utilized, have for many years been disputed and they are now disputed, and large amounts of claims for damages are now pending against the Government. Every increase in the amount of water diverted from the river for the supply of Washington leads to a new claim. The rights of the respective owners should be settled now and forever, and the bill under consideration furnishes not only the best means of doing this fairly and with full justice to all parties, but also a means for acquiring all the remainder of the water rights at Great Falls not now owned by the Government. When this is done the Government can without controversy increase its water supply from time to time, as necessity arises and without limit, and it will be enabled to make Washington the best-lighted city in the world at less annual cost than the present cost of lighting by gas.

THE HISTORY OF THE
CITY OF BOSTON
FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
IN TWO VOLUMES
BY NATHANIEL BENTLEY
VOL. I.
BOSTON: PUBLISHED BY
J. B. BENTLEY, 1822.

The first settlement of the city of Boston was made by a small party of Englishmen, who, in the year 1630, sailed from England, and landed on the island of Boston. They were accompanied by a large number of Indian natives, who had been converted to Christianity by the missionaries of the Massachusetts Bay Company. The Englishmen, who were led by John Winthrop, the first governor of the colony, established a settlement on the island, and named it Boston, in honor of the Earl of Boston, who had been one of the principal promoters of the colony.

The settlement was at first very small, and the inhabitants were engaged in various occupations, such as fishing, hunting, and agriculture. They also engaged in trade with the Indians, and with the other colonies. The settlement grew rapidly, and by the year 1640, it had become one of the largest and most important cities in New England.

The city of Boston was the center of the Puritan movement in New England, and it was here that the famous Boston Tea Party took place in 1773. The city was also the site of the Battle of the Clouds in 1780, and the Siege of Fort Mifflin in 1777.

The city of Boston has since become one of the largest and most important cities in the United States, and it has played a major role in the history of the country.

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The city of Boston continued to grow and develop, and it became a major center of commerce and industry. The city was also the site of the American Revolution, and it played a major role in the founding of the United States.

The city of Boston has since become one of the largest and most important cities in the United States, and it has played a major role in the history of the country.

PAYMENT TO THE STATE OF PENNSYLVANIA.

JANUARY 20, 1898.—Ordered to be printed.

Mr. SHOUP, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1225.]

The Committee on Military Affairs, to whom was referred the bill (S. 1225) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863, have examined the same and recommend the passage of the bill.

A bill identical with the one under consideration was reported favorably by this committee during the Fifty-fourth Congress, and passed the Senate. It was also reported favorably by the Committee on War Claims in the House of Representatives on the 17th of March, 1896, but was not reached on the Calendar for consideration.

The merits of the bill are set forth in the report of the committee of the Fifty-fourth Congress, which report is adopted, and the passage of the bill recommended.

[Senate Report No. 270, Fifty-fourth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 490) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into military service by the governor under the proclamation of the President of June 15, 1863, have considered the same and report as follows, with the recommendation that the bill pass:

The object of this bill is to authorize a reexamination of the claim of Pennsylvania for money expended in 1864 in liquidating an indebtedness incurred by the governor of Pennsylvania and the Secretary of War for militia called into the military service under the proclamation of the President of June 15, 1863, and to fully indemnify the State for the money expended, there being a balance unpaid of \$46,345.26, reimbursement of which is claimed from the United States.

Bills granting the desired relief passed the Senate in the Fiftieth and Fifty-first Congresses, and were favorably reported to the House. In the Fifty-second and Fifty-third Congresses similar bills were reported favorably to the House but were not reached for consideration.

The facts out of which this bill for relief arises are fully set forth in Senate Report No. 518, Fiftieth Congress, first session, which is hereto attached, and which your committee adopts as part of this report.

Your committee recommend the passage of the bill with the following amendments:

In line 11 after the word "expended," insert the following: "*Provided*, That the amount to be paid to the State of Pennsylvania under the provisions of this act shall not exceed the sum of \$46,345.26, and," and in the same line 11, after the word "provided," insert "further."

[Senate Report No. 518, Fiftieth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 1364) to declare the sense of an act entitled "An act to reimburse the State of Pennsylvania for moneys advanced Government for war purposes," and to authorize a reexamination of the settlement made by the Secretary of War thereunder, having had the same under consideration, beg leave to submit the following report:

The object of this bill is to carry out the provisions of the act of April 12, 1866 (14 Stat. L., p. 32), entitled "An act to reimburse the State of Pennsylvania for moneys advanced Government for war purposes," and to indemnify the State for the loss sustained by the nonfulfillment thereof.

The origin of this indebtedness is fully explained in the special message of Governor Curtin of April 30, 1864 (see copy herewith, marked Exhibit A), from which it appears that when the militia, called out by the governor under the proclamation of

the President of June 15, 1863, were disbanded, the appropriation in the Treasury of the United States from which the militia were paid had been exhausted, and the Secretary of War requested the governor to borrow the money needed to pay them for services rendered the United States, assuring him at the same time that he would secure from Congress at the next session the appropriation to pay the parties from whom the money was obtained the expense incurred.

That upon the faith of this assurance the governor, with the sanction of the Secretary of War, induced a committee of bankers in Philadelphia, of which Charles H. Rogers was chairman, to borrow on their personal credit the amount required, with the understanding that if the United States failed to indemnify them, he would ask the legislature to do so, and the militia were paid by said committee in August and September, 1863, from funds thus obtained, the sum of \$671,476.43, the vouchers for which were forwarded to the War Department for payment in December, 1863, through the adjutant-general of the State.

Congress failed to make the appropriation promised by the Secretary of War, but the legislature promptly responded to the governor's request to redeem the pledge that he had made, and the Rogers committee were on the 8th of September, 1864, paid by the State treasurer their account of expenses incurred in paying off the militia in full to date, as follows:

For amount paid the militia in August and September, 1863.....	\$671, 476. 43
For interest on the money borrowed to September 8, 1864	41, 890. 71
For expenses.....	52. 47

Making a total of.....	713, 419. 61
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(See official report of state treasurer for 1864, p. 421.)

The legislature of Pennsylvania, by joint resolution approved February 3, 1865, requested the governor to make a formal demand upon the United States for the payment of this sum with interest from September 8, 1864, and instructed the Senators and Representatives of the State in Congress to vote for and urge an appropriation to pay the same (State laws of 1865, p. 861, see copy appended to this report marked Exhibit B). This exhibit also contains a copy of the act of Congress of April 12, 1866.

This resolution was introduced in Congress the next session after its passage and became, as the record shows, the inducing cause that brought about the passage of the act of April 12, 1866.

A bill, which is the counterpart of said act, differing therefrom in nothing essential, was reported from the Committee on Ways and Means on the 21st of March, 1866, appropriating \$800,000 to reimburse the State for money expended.

In reporting the same Mr. Stevens said, mentioning the amount paid to the militia by the Rogers committee:

"It is that amount, with the interest due to these individuals, which has since been paid by the State, that it is proposed to pay. Pennsylvania has paid it, and that State is now substituted for those individuals." (Congressional Globe, Thirty-ninth Congress, first session, part 2, p. 1553.)

In making this declaration Mr. Stevens was simply repeating what is conclusively established by the history of the times when said act was passed and which occasioned its passage, hereinbefore recited, which the Supreme Court has said may not only be recurred to in construing a statute, but that a recurrence thereto "is frequently necessary in order to ascertain the reason as well as the meaning of particular provisions in it." (3 Howard, p. 24; 1 Wheaton, p. 120, and 91 U. S. R., p. 72.)

In this particular case such recurrence is indispensable, for otherwise the statute is unintelligible.

The transaction was in substance the borrowing of so much money by the United States through the agency of the State of Pennsylvania, upon the credit of the latter, the whole of which was paid by the latter as quasi security for the former, and as the former recognizes its liability to pay the principal, no part of the transaction can be repudiated, but interest as well as principal should be paid by the party for whose benefit and at whose request the loan was made.

From the large amount appropriated in excess of the principal expended by the State (\$713,419.61) the reasonable inference would be that Congress intended to include the interest thereon from September 8, 1864, as claimed in the joint resolution of February 3, 1865, which, if added, would very nearly exhaust the amount appropriated (\$800,000), as shown by the following statement:

Amount expended by the State September 8, 1864.....	\$713, 419. 61
Interest to June 18, 1866 (1 year, 9 months, and 10 days), date when the award of Secretary of War was made.....	78, 841. 77

Amount due	792, 361. 38
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Assuming, however, that a strict interpretation of the statute only authorized a return of the principal expended by the State, which is probably all the language employed—namely, “to reimburse the State of Pennsylvania for money expended”—would warrant, and deducting therefrom the amount paid by the United States, the account would stand as follows:

Amount expended by the State September 8, 1864.....	\$713, 419. 61
Amount paid June 18, 1866, under the settlement of the Secretary of War.	667, 074. 35
Balance due the State June 18, 1866.....	46, 345. 26

The State subsequently applied to the War Department for said balance, payment whereof was refused, upon the ground that the Secretary of War had no authority to review the settlement made by his predecessor, except to correct an error of computation therein, and that the State was concluded by the governor's acceptance of the payment made.

The plea that a State could be concluded by a payment made to any one of its officers, not authorized to bind the State, of a part only of what was due under the statute, or that the remedy provided by the statute could be exhausted by such a settlement as the record shows was made in this case, is certainly a novel one. It was not such a settlement as the statute contemplated. The statute authorized payment, and consequently settlement, of the claim therein described, namely, the claim of the State for money expended by the State; that is to say, the claim presented to Congress, described in the joint resolution of the legislature of February 3, 1865.

The claim settled by the Secretary of War was the claim that the Rogers committee had presented to the War Department in December, 1863, and the amount paid was a portion of that claim.

Furthermore, as shown by recently discovered testimony, the settlement of the Secretary of War was not intended to be a reimbursement in full of the payment authorized by the statute, but only an advance pro tanto of the account due the State thereunder. (See Exhibit C, appended to this report, consisting of a letter from the Register of the Treasury, dated December 31, 1887, transmitting copy of warrant No. 8447, of June 18, 1866.)

This was the warrant issued in payment of the award made by the Secretary of War, and thereon appears the following indorsement:

This payment, approved by the Secretary of War, is made as an advance to the State of Pennsylvania. The account as approved by the Secretary of War, not having been fully stated and passed by the accounting officers of the Treasury Department, will be subject to a reexamination and final settlement at this Department hereafter.

H. McCULLOCH, *Secretary.*

It is very evident from the facts stated that the settlement made by the Secretary of War was not a final settlement of the claim of the State of Pennsylvania for which reimbursement was provided by the act of Congress approved April 12, 1866, nor so intended, and that the State has not received the full amount authorized by said act.

Your committee, therefore, beg leave to report the bill back to the Senate with an amendment in the nature of a substitute, and, as amended, recommend its passage.

EXHIBIT A.

[April 30, 1864, journal of the senate.]

The secretary of the Commonwealth being introduced, presented a message from the governor, which was read, as follows, viz:

EXECUTIVE CHAMBER,
Harrisburg, April 30, 1864.

To the senate and house of representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: On the 15th of June last, in consequence of the advance of the rebel army north of the Potomac, the President issued his proclamation calling for militia from this State to repel the invasion. I immediately issued my proclamation, of the same date, calling on the militia to come forward. When the men began to assemble under this call of the President, some difficulties arose from their unwillingness to be mustered into the service of the United States, as mischievous persons made themselves busy in misrepresenting the consequences of such muster. In this state of affairs I suggested to the President the expediency of my calling the militia so as to remove the difficulties which had been thus created. The President approved of the suggestion, and for the purpose of attaining the end proposed by his proclamation, directed me

to make a State call for militia. I accordingly, on the 26th day of June, 1863, issued my call for the militia. The United States clothed, equipped, and subsisted the men thus called into service, but declined to pay them, on the ground that Congress had made no appropriation for that purpose. Assurances were, however, received from the War Department, that if the money to pay these troops should be advanced by corporations or individuals, application would be made to Congress, on its meeting, to make the necessary appropriations to refund the money thus advanced. Copies of two telegraphic dispatches from the Secretary of War are herewith submitted—one addressed to me, dated July 22, 1863, and the other addressed to a member of a committee of the Union League in Philadelphia, dated July 21, 1863, and which was immediately communicated to me. On the faith of these assurances I proposed that the moneyed institutions of the State should advance the money, there being no State appropriation for the purpose. I pledged myself that if the money should be so advanced I would recommend an appropriation by the legislature to refund it, in case Congress should fail to do so. A copy of my letter on this subject, dated July 22, 1863, is herewith submitted. This not being entirely satisfactory to the gentlemen composing the committee of banks, they had an interview with me here, and I finally handed to them the paper dated 24th July, 1863, a copy of which is also herewith submitted. Several of the banks, and other corporations in the State, acting with their accustomed spirit and patriotism, promptly came forward and agreed to advance the necessary funds, and the troops were accordingly paid. The disbursements were made, and the pay accounts were so faithfully, as well as formally, kept by gentlemen who acted entirely without compensation, that they were settled by the adjutant-general of the State with the accounting officers at Washington, without any objections arising.

The sums thus advanced amount, with interest, at the present time, to about \$700,000. It ought to be added that little more than one-half of this sum was required to pay the troops during the existence of the emergency. The remainder was expended in paying such of them as, against my remonstrance, were detained afterwards by the United States for the purpose of enforcing the draft.

The assurances given by the Secretary of War were, of course, sanctioned by the President. The pay of these troops was in fact a debt of the United States, and the faith of the Government was pledged to do all in its power to procure the proper appropriation by Congress to refund the money. I regret to say that the President has not considered it to be his duty to lay the matter openly before Congress by a message. A bill, it is true, has been introduced and is now pending in Congress, providing the necessary appropriation, but it has met with opposition, and in the absence of some public declaration by the Executive of the pledges made by Government, it may possibly be defeated.

Meanwhile, as your session is drawing to a close, I feel bound to redeem the faith of the executive department of Pennsylvania, and do therefore earnestly recommend the passage of a law providing for the repayment of the sums advanced as hereinbefore stated, if Congress should fail to provide therefor at its present session. Our own good faith will be thus preserved, and it can be in no other manner.

A. G. CURTIN.

WASHINGTON, *July 21, 1863.*

J. R. FRY,

Chairman Union League, Philadelphia:

All that is necessary is that the governor of Pennsylvania should see that the company pay-rolls are properly made out and certified. This being done, the amount due is readily ascertained, and can be paid, and the pay-rolls will furnish the proper official voucher of the payment. This Department will lay before Congress, at the commencement of the session, an estimate to cover the amount, and request the appropriation. The matter has been arranged in this way in other States, and has been productive of no delay or complaint where the governors have given their attention to it, and seen that the muster-rolls are properly made out.

EDWIN M. STANTON, *Secretary of War.*

WASHINGTON, *July 22, 1863.*

To His Excellency Governor A. G. CURTIN:

Your telegrams respecting the pay of militia called out under your proclamation of the 27th of June have been referred to the President for instructions, and have been under his consideration. He directs me to say that while no law or appropriation authorizes the payment by the General Government of troops that have not been mustered into the service of the United States, he will recommend to Congress to

make an appropriation for the payment of troops called into State service to repel an actual invasion, including those of the State of Pennsylvania. If, in the meantime, you can raise the necessary amount, as has been done in other States, the appropriation will be applied to refund the advance to those who made it.

Measures have been taken for the payment of troops mustered into the United States service as soon as the muster and pay-rolls are made out.

The answer of this Department to you, as governor of the State, will be given directly to yourself whenever the Department is prepared to make answer.

EDWIN M. STANTON, *Secretary of War.*

EXECUTIVE CHAMBER,
Harrisburg, Pa., July 22, 1863.

GENTLEMEN: In my interview with you on the 19th instant I had the honor to lay before you and the presidents of the other banks of the city of Philadelphia, the difficulties which surround the militia of Pennsylvania, called into service for the defense of the State, and more especially the want of any appropriation of money, by the National or State government, for their payment. I proposed at the time that the money necessary for that purpose be raised from banks and other corporations, relying upon Congress for an appropriation at the next session, or, on failure, upon the legislature of our own State. I refer, with great pleasure, to the promptness and unanimity with which the gentlemen present expressed their willingness to respond to the call made upon them.

I inclose a copy of a telegram received this morning from the Secretary of War, which you notice is fully up to the expectations we entertained at the time of our meeting, and pledges the Government of the United States so far as it is possible in the absence of Congress. I can not give you a correct estimate of the amount of money we may require; I do not think, however, it can exceed \$700,000. Of that amount, the city of Philadelphia having appropriated \$150,000 to the payment of volunteers raised in the city, it would seem just and proper that it should be refunded in the same manner, and made part of the fund to be disbursed.

I propose that your committee immediately address banks and other corporations throughout the State, requesting them to contribute in some just proportion, which I leave to your discretion.

Inasmuch as the money thus raised could not go into the treasury of the State, and if in, could not be drawn out without authority of law, I suggest that gentlemen of known character be selected to pay the regiments as they pass out of service. In the meantime, we will have the proper muster-rolls prepared, so that under the laws of the United States and regulations of the War Department the proper vouchers will be presented with our claim on the Government.

If there should be any failure on the part of the Government of the United States to refund the money raised as proposed, I will ask the legislature at the opening of the next session to make an appropriation to refund it, with interest.

You will excuse me for again reminding you that we should act promptly in this matter, as it is not only just to the men who have cheerfully taken up arms in defense of the State, but important to the Government, if it should be necessary to make any such calls in the future.

I am, gentlemen, very respectfully, your obedient servant,

A. G. CURTIN.

Messrs. Charles H. Rogers (chairman), Edwin M. Lewis, Joseph Patterson, Thomas Smith, John Jordan, B. B. Comegys, and John B. Austin, committee of the banks of Philadelphia.

EXECUTIVE CHAMBER,
Harrisburg, July 24, 1863.

I ask the banks and other corporations in Pennsylvania to advance money to pay the militia called into service under my proclamation of the 26th of June, 1863, for the defense of the State, there being no appropriation made by the legislature for that purpose.

When the legislature meets in January I will ask and recommend an appropriation to refund the money thus advanced, with interest.

It will be noticed that the Secretary of War, by a telegram to me, dated the 22d of July, commits the Government of the United States to the payment of this money, so far as it is possible in the absence of Congress.

Having had an interview with the presidents of the banks in Philadelphia, and a correspondence on this subject, I request that if the money can be raised, the committee appointed by that body collect and disburse the fund through paymasters nominated by me.

A. G. CURTIN, *Governor of Pennsylvania.*

Messrs. Charles H. Rogers (chairman), Edwin M. Lewis, Joseph Patterson, Thomas Smith, John Jordan, B. B. Comegys, and John B. Austin, committee of the banks of Philadelphia.

Laid on the table.

EXHIBIT B.

No. 4.—JOINT RESOLUTION relative to the repayment by the United States of certain moneys advanced by the Commonwealth of Pennsylvania to pay the volunteer militia of eighteen hundred and sixty-three.

Whereas the United States are indebted to the Commonwealth of Pennsylvania in the sum of seven hundred and thirteen thousand dollars, with interest on the same from the eighth day September, anno Domini one thousand eight hundred and sixty-four, for money advanced to pay the volunteer militia of eighteen hundred and sixty-three, which was promised to be paid by the General Government, as appears by the telegram of the Secretary of War to Governor Curtin, bearing date the twenty-second day of July, anno Domini eighteen hundred and sixty-three: Therefore,

Be it resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in general assembly met, That the President is hereby requested to recommend Congress to make the necessary appropriation to pay the said sum. And we further request the Senators and Representatives of this State in the Congress of the United States to earnestly urge and vote for an appropriation to pay the same; that the governor be, and he is hereby, requested to cause a copy of the foregoing preamble and resolutions to be transmitted to the President and each of the Senators and Representatives of this State in the Congress of the United States.

ARTHUR G. OLMSTED,
Speaker of the House of Representatives.

WILLIAM J. TURRELL,
Speaker of the Senate.

Approved the 3d day of February, A. D. 1865.

A. G. CURTIN.

(Laws of 1865, p. 861.)

Copy of act of Congress approved April 12, 1866.

CHAP. XL. AN ACT to reimburse the State of Pennsylvania for moneys advanced Government for war purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to supply a deficiency in paying the Army under the act of March fourteenth, eighteen hundred and sixty-four, and to reimburse the State of Pennsylvania for money expended for payment of militia in the service of the United States, the sum of eight hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided,* That before the same is paid the claim of the State shall be again examined and settled by the Secretary of War. (14 Stats. at Large, p. 32.)

Memorandum.

As stated in report, the bill which brought about the passage of the act of April 12, 1866, was reported to the House March 21st, 1866.

In addition to the remarks of Mr. Stevens, quoted in the brief, explanatory of the object of the bill, the reference given (Cong. Globe, 1st sess. 39th Congress, 1865-1866, Part 2, page 1553) also contains copies of the correspondence between Secretary Stanton and Gov'r Curtin and J. R. Fry, chairman of the Union League, Philada., and between Secretary Stanton and Congress. The history of the legislation in the 39th Congress with the bill introduced, appropriating \$700,000.00 to pay the parties from whom the money was borrowed, is also explained.

EXHIBIT C.

Transcript certificate.

TREASURY DEPARTMENT, REGISTER'S OFFICE,
Washington, D. C., December 30, 1887.

Pursuant to section 886 of the Revised Statutes of the United States, I, W. S. Rosecrans, Register of the Treasury Department, do hereby certify that the annexed are true copies of warrant and draft in favor of Hon. Andrew G. Curtin, governor, on file in this Department.

W. S. ROSECRANS, *Register.*

Be it remembered that William S. Rosecrans, esq., who certified the annexed transcript, is now, and was at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof I, Charles S. Fairchild, Secretary of the Treasury of the United States, have hereunto subscribed my name and caused to be affixed the seal of this Department, at the city of Washington, this 30th day of December, in the year of our Lord 1887.

[SEAL.]

C. S. FAIRCHILD, *Secretary of the Treasury.*

[Warrant, War Dep't, No. 8447. Appropriation.]

TREASURY DEPARTMENT.

To the Treasurer of the United States, greeting:

Pay to Hon. Andrew G. Curtin, governor, present, or order, out of the appropriation named in the margin, six hundred and sixty-seven thousand and seventy-four dollars and thirty-five cents, due the State of Pennsylvania on settlement, approved by the Secretary of War, pursuant to requisition No. 4195 of the Secretary of War, dated 16 June, 1866, countersigned by the Second Comptroller of the Treasury, and registered by the 2d Auditor. For so doing this shall be your warrant.

Given under my hand and the seal of the Treasury this 18th day of June, in the year of our Lord one thousand eight hundred and sixty-six, and of Independence the ninety-th.

H. McCULLOCH, *Secretary of the Treasury.*

Countersigned, 18.
\$667,074.35.

R. W. TAYLER, *Comptroller.*

Recorded, 18.
[SEAL.]

J. A. GRAHAM, *Assistant Register.*

NOTE.—This payment, approved by the Secretary of War, is made as an advance to the State of Pennsylvania. The accounts, as approved by the Secretary of War, not having been fully stated and passed by the accounting officers of the Treasury Department, will be subject to reexamination and final settlement at this Department hereafter.

H. McCULLOCH, *Secretary.*

To reimburse the State of Pennsylvania for money expended for payment of militia in the service of the United States. Act app'd April 12, 1866.

Received for the above warrant the following draft, No. 3878, on A. T., Phila.:

Draft No. 3878 on War.]
\$667,074³⁵/₁₀₀.

[Warrant No. 8447.
D. F.]

TREASURY OF THE UNITED STATES,
Washington, June 18, 1866.

At sight, pay to Hon. Andrew G. Curtin, governor, etc., or order, six hundred sixty-seven thousand seventy-four dollars ³⁵/₁₀₀.

J. A. GRAHAM,
Asst. Register of the Treasury.

[\$667,074³⁵/₁₀₀.]

F. E. SPINNER,
Treasurer of the United States.

To ASST. TREASURER U. S.,
Philadelphia, Pa.
No. 3878.]

DECEMBER 31, 1887.

DEAR SIR: In accordance with your request of 20th instant, I transmit herewith a copy of warrant No. 8447, dated June 18, 1866, in favor of Hon. A. G. Curtin, governor.

Respectfully,
L. S. WELLS, Esq.

W. S. ROSECRANS, *Register.*

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LIGHT-SHIP NEAR CAPE ELIZABETH, MAINE.

JANUARY 20, 1898.—Ordered to be printed

Mr. FRYE, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 2944.]

The Committee on Commerce, to whom was referred the bill (S. 2944) providing for the construction of a light-ship to be located near Cape Elizabeth, Maine, submit the following report:

The approaches to Portland Harbor are dotted with dangers to navigation, commencing on the south at Old Anthony Rock, curving around in the West Cod Ledges to the East Cod Ledges, and with scattered sunken rocks and shoals. In thick and stormy weather it is a difficult matter to navigate through to the harbor with assured safety with the present aids to navigation. In bad winter gales the sea breaks nearly all along the Cod Ledges and on the shoal place between East Cod Ledges and Half-Way Rock. If it is thick at the same time it is a matter of considerable risk for a vessel to attempt the southern passage between Old Anthony and Taylors Reef. There are by that route several outlying dangers and many courses to be steered. There is also no sure way to correct the vessel's position by the sound from the fog signal at Cape Elizabeth, it being well known that there is a dead angle lying among these very dangers.

The objection to the northern and eastern passage, by Half-Way Rock, is its being out of the way for vessels from the southward and westward, which are also in danger from the East Cod Ledges in trying to reach it, and once there the sea may be breaking in the shoal places through the passage.

Steamers are frequently compelled to "lay by" or to slacken speed for several hours in feeling their way through these uncertain and dangerous waters, and sailing vessels compelled to put to sea are thereby caused vexatious and expensive delays, which might be avoided by establishing the proposed light-ship.

Portland is the most important port of entry east of Boston. Several important steamship lines make this port their western terminus during the winter months. During the last quarter of 1897, 185 vessels entered from and 160 cleared for foreign ports at the Portland custom-house, and it is estimated that more than 1,200 steamers annually enter and depart.

The rapidly increasing size and cost of ocean steamers and the growing demand for rapid transit render it of the utmost importance to provide every possible guide for the safe entrance to our principal ports.

Commander Perry, light-house inspector for the First district, in a report to the Light-House Board, after stating the dangers of these approaches substantially as given above, says:

A light-ship moored in some position outside the ledges, and provided with a steam whistle, which would be equally accessible of approach from all seaward directions, and from which vessels could take a departure and steer a straight, safe course through the ledges toward the harbor, would remove the present dangers and difficulties in a great degree.

He indicates in his report the proper place for mooring the light-ship at a point where there is less than 20 fathoms of water, and states that he sees no reason to suppose there would be any trouble in keeping the vessel in place.

A light-ship at this point would be of great benefit not only to vessels entering the port of Portland, but to those coasting to or from eastern ports of Maine and the British maritime provinces bordering on the Bay of Fundy.

The Secretary of the Treasury, to whom the bill was referred, says under date of January 10, 1898:

In reply I beg leave to state that the Light-House Board, to which the matter was referred, is of opinion that the interests of commerce and navigation require the establishment of a light-vessel off Cape Elizabeth and that the sum named is sufficient for the purpose.

In view of these facts your committee earnestly recommend the passage of the bill.



CLARISSA COLLINS MOORE.

JANUARY 21, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the
following
REPORT.

[To accompany S. 3238.]

The Committee on Pensions, to whom was referred the bill (S. 3238) granting a pension to Clarissa Collins Moore, have examined the same, and report:

The following article, taken from the Brooklyn (N. Y.) Eagle of August 3, 1897, fully explains the services of the soldier, and presents an unanswerable argument why pension should be granted to the venerable widow:

A veteran officer, who was undoubtedly the oldest soldier in the Army of the United States, died of extreme old age at his home in this city yesterday. Lieut. Michael Moore, although on the retired list since 1872, in common with all those on the retired list, was still considered to be one of the Government's military force, and his death ends a career in the nation's Army which extends over a period of eighty-five years. Lieutenant Moore was in his ninety-eighth year. He was born in New York City on Independence Day, 1800. He came naturally by his desire for military life, as his father was a member of the Revolutionary Army, and took part in the memorable surprise of the Hessians at Trenton.

During his boyhood young Moore saw New York City in its primitive state. He was an active participant in the youthful pastimes of the day, and often went fishing in a creek which flowed where Canal street now is. When the oppression of Great Britain was stirring the republic to its depths, and preparations for a second conflict with England were being made on every hand, Moore, in company with an older brother, left home and enlisted in the Regular Army. To do this the youths were obliged to make their way on foot to Albany, where Col. Peter B. Schuyler commanded the Thirteenth Regiment of Infantry.

Moore's first appointment was that of a drummer boy in the company of Capt. John Sproull. He was of a hardy constitution, and had no difficulty in accustoming himself to the life of a soldier. When the war of 1812 finally broke out, his regiment participated in the assault and capture of Fort George, Upper Canada, on May 27, 1813. This was the first important engagement in which Lieutenant Moore figured. He served in the battle of Stony Creek in June of the same year, and embarked the following October in Commodore Chauncey's squadron, bound for Sackett Harbor. He was connected with the army of Major-General Wilkinson in its movements down the St. Lawrence, and witnessed the fiasco which Commander Wilkinson was responsible for in his attempt to capture Montreal.

During the last year of the war Lieutenant Moore served in many of the battles in the Northwest and fought in the defense of Sacketts Harbor until the news of the treaty of peace was spread abroad. After the conclusion of the war of 1812 he immediately reenlisted in the Regular Army, becoming a member of the Second Regiment

of Infantry, commanded by Col. Hugh Brady. In 1821 his regiment was detailed to Sault Ste. Marie, and in 1826 he was a member of Cass's expedition for the purpose of negotiating a treaty of peace with the Indians.

His experience in Indian warfare was extensive both in the West and in the South. He was prominent in the Black Hawk war, and five years later in the conflict with the Seminoles in Florida. During this time he was never even scratched in conflict with the red men, and his sole wound was one received in the arm at Fort George early in the war of 1812. After three years of service in Florida his term expired, and he again received honorable discharge. Still desiring to lead a military life, he remained in the Army, and was stationed at the Bedloes Island recruiting agency in 1841. There he remained until January, 1869, when he received his commission as second lieutenant. Three years later he retired to private life in this city.

Lieutenant Moore was one of the original members of the Military Society of the War of 1812 and an honorary member of the Military Order of Foreign Wars. He remained in retirement, although enjoying the best of health until a few years ago, when an attack of grip seriously reduced his strength. A bad fall at his home resulted in a broken hip, and since that time he was seldom able to leave his residence. He would have celebrated the sixty-third anniversary of his wedding next September had he lived, as Mrs. Moore is still alive. The couple celebrated their golden wedding thirteen years ago. Lieutenant Moore's death was due to extreme old age. Lieutenant Moore was twenty-two years older than General Grant, twenty years older than General Sherman, twenty-four years older than General Hancock, thirty-one years older than General Sheridan, and twenty-seven years older than General Slocum. He was nine years older than Gladstone, and had been a soldier three years when Bismarck was born.

The deceased soldier's widow is 81 years old.

Under date of January 12, 1898, claimant wrote to the chairman of this committee as follows:

I am not the young wife of an old soldier, but am 82 years old, and if Lieutenant Moore had lived one month more we would have been married sixty-three years. If the pension is granted, it will not be for long, as I am twelve years past the allotted fourscore and ten.

Lieutenant Moore's services having been in the early wars of the country, it is impossible for the widow to prove that death resulted from pensionable causes, and hence she can not secure relief through the Pension Bureau. However, the case is one of unusual merit, and your committee are of opinion that she is entitled to the pension of a second lieutenant's widow, and accordingly recommend the passage of the bill.

DEPOSITIONS BEFORE NAVAL COURTS.

JANUARY 21, 1898.—Ordered to be printed.

Mr. McENERY, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 3011.]

The Committee on Naval Affairs, to whom was referred the bill (S. 3011) "to authorize the use of depositions before naval courts in certain cases," have duly and carefully considered said bill.

For the reasons assigned by the Secretary of the Navy in his letter addressed to the chairman of the committee, the committee respectfully reports a favorable consideration of said bill and recommend its passage.

The letter of the Secretary of the Navy referred to is as follows:

NAVY DEPARTMENT,
Washington, December 22, 1897.

SIR: The use of depositions of witnesses residing beyond the limits of the State, Territory, or district in which a military court is ordered to sit is sanctioned by article 91 of the Articles of War, but no similar provision of law exists with reference to the Navy, although the reasons which prompted its enactment apply with equal if not greater force to the latter branch of the service. The operations of the Navy extend over a much wider field than those of the Army, which, in time of peace, at least, is restricted to our national borders, while witnesses serving on board naval vessels are subject at any moment to be ordered to a distant station in foreign waters, rendering their recall for the purpose of giving testimony a matter of expense and delay. In such cases it becomes difficult to determine whether the interests of the service will be best promoted by dispensing altogether with the testimony of witnesses serving on remote stations and thus, perhaps, causing a failure of justice, or, on the other hand, by ordering them to attend and testify, incurring heavy expense, loss of time, and inconvenience.

After careful consideration I am of opinion that the evils arising from this state of affairs should be remedied by legislation authorizing the use, under proper restrictions, of depositions of witnesses whose testimony may be required before naval courts, but whose personal attendance can not be secured without unreasonable expense and delay, and in this conclusion I am fortified by the practical application of the provisions of article 91 of the Articles of War to similar conditions existing in the Army.

Believing that the interests of persons brought to trial before naval courts and the efficient administration of justice would be alike promoted by the legislation suggested, I have the honor to ask the attention of the committee to the inclosed draft of a measure which it is thought will confer the requisite authority to use depositions in proper cases, the draft being, for the convenience of the committee, placed in the form marked "A" of a separate bill, and also in the form marked "B" of a clause suitable for insertion in an appropriation act.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. EUGENE HALE,
Chairman of the Committee on Naval Affairs, United States Senate.

S. Rep. 1—16

THE
JOURNAL
OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE
OF GREAT BRITAIN AND IRELAND
VOLUME 100
PART 1
1970

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FORT OMAHA MILITARY RESERVATION.

JANUARY 22, 1898.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 192.]

The Committee on Military Affairs, to whom was referred Senate bill 192, having considered the same, respectfully report it back with a substitute and recommend that the substitute do pass.

A bill similar to this one passed the Fifty-fourth Congress and was disapproved by the President.

The substitute proposed is a copy of the bill formerly passed, with slight changes to overcome the objections contained in the veto message.

The following is the President's message of disapproval:

To the House of Representatives:

I herewith return without my approval House bill No. 225, entitled "An act to provide for the lease of Fort Omaha Military Reservation to the State of Nebraska."

This bill authorizes and directs the Secretary of War, when Fort Cook, near the city of Omaha, is ready for occupancy, to lease for a nominal rent to the State of Nebraska the possession of Fort Omaha Military Reservation, containing about 80 acres, with all the buildings, appurtenances, and improvements thereof. It is declared that the lease shall be conditional upon the use of said reservation by the State of Nebraska as a place of rendezvous and school of instruction for the National Guard of said State; that the State of Nebraska shall, while it is in possession of said reservation, keep the buildings and improvements thereon in as good condition and repair as at the date it shall enter into possession thereof, and that at any time when, in the judgment of the Secretary of War, the interests of the United States shall require such action, he shall take possession of said military reservation for the use of the Government, together with all the buildings, appurtenances, and improvements thereon.

On the 23d day of July, 1888, an act was passed authorizing the Secretary of War to purchase suitable grounds of not less than 640 acres in extent, to be situate within 10 miles of the city of Omaha, and to construct the necessary buildings thereon for a 10-company military post, to be known as Fort Omaha; and a necessary sum not exceeding \$200,000 was appropriated to enable the Secretary of War to carry out the provisions of said act.

The said act also authorized the Secretary of War, when the purchase of the new site should be effected, to sell the military reservation known as Fort Omaha, and such of the buildings and improvements thereon as could not be economically removed to the new site, and to cause the said reservation, for the purposes of said sale, to be platted in blocks, streets, and alleys, if, in his judgment, it would inure to the benefit of the Government in making a sale of such site.

The new site provided for by this act has been purchased, a large sum of money has been spent by the Government in preparing it for use, and I understand it will soon be ready for occupancy. The authority to sell the old site has not been exercised. This may be accounted for by the fact that the Government has not thus far

been able to dispense with its use, or because the depression in land values at Omaha has rendered it unadvisable.

The authority to sell and to remove any of the buildings from the old reservation to the new site still remains, however, unimpaired. In this condition of affairs it is now proposed to lease this land and these buildings to the State of Nebraska at a nominal rent, allowing the Government to repossess it only "when the interests of the United States shall require such action."

Of course it would be claimed that this language, in view of the statute of 1888, should not be construed as permitting the Government to retake the property for the purpose of selling it, because that is not stipulated in the bill. For that reason it would be plausibly urged that the lease was paramount to the power of sale contained in the law of 1888, and that the omission of any provision that possession might be resumed for the purpose of sale plainly indicated that "the interests of the United States" which allows such resumption contemplates some other and different emergency.

As a practical question we all know that transactions of this character relating to Government property amount to a permanent alienation or certainly pave the way for an absolute grant.

I do not think there should be anything done with this valuable property which will in the least embarrass the Government in its sale, and to that extent reimbursing itself for the cost of the new military post which was plainly contemplated in the law of 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 10, 1896.*

An Act to provide for the transfer of Fort Omaha Military Reservation to the State of Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed, when Fort Crook, near the city of Omaha, Nebraska, is ready for occupancy by the troops of the Army of the United States, to transfer and turn over to the State of Nebraska the possession of Fort Omaha Military Reservation, containing about eighty acres, with all the buildings, appurtenances, and improvements thereof; the said reservation being the same tracts and parcels of land heretofore donated to the United States by the citizens of Omaha, Nebraska. The purpose of said transfer is that the said Fort Omaha Military Reservation shall be used by the said State of Nebraska as a place of rendezvous and a school of instruction for the National Guard of said State of Nebraska, and is made conditional upon its use for that purpose, and that the adjutant-general of said State shall annually report to the Secretary of War in detail the uses of said reservation. The said State of Nebraska is privileged to establish on said reservation a State military school, with not less than two military instructors.

SEC. 2. That the said reservation, while used for the purposes aforesaid, to be maintained without expense to the United States, and at any time that, in the judgment of the Secretary of War, the interests of the United States shall require such action, he shall take possession of said military reservation for the use of the Government, together with all the buildings, appurtenances, and improvements thereon.

SEC. 3. That it shall be the duty of the said State of Nebraska while in the possession of such military reservation to keep all permanent buildings and improvements on such reservation in as good condition and repair as at the date it shall enter into the possession thereof, and the same shall be inspected at least once in each year by an officer of the Army, who shall report the condition of such improvements to the Secretary of War.

Through some error the bill printed in the above House Document 409 (veto message) is not the bill as passed, but as first introduced and before amendments were adopted.

We submit and indorse the report of the Senate Military Committee, made to the Fifty-fourth Congress, which is as follows:

[Senate Report No. 961, Fifty-fourth Congress, first session.]

The Committee on Military Affairs, to whom was referred House bill 225, having carefully considered the same, beg leave to report it back and recommend that it do pass, amended as follows:

In line 6, section 1, strike out the words "transfer and turn over" and insert "lease at a nominal rent."

In line 12 strike out the word "transfer" and insert the word "lease."

The land, about 80 acres, upon which Fort Omaha is located, was originally donated to the United States by citizens of Omaha, Nebr. Fort Omaha is located about 4 miles from the business center of the city of Omaha. It is but fair to your committee to state that the act authorizing the construction of Fort Crook at a point about 10 miles from the business center of the city of Omaha was secured largely upon the representation of the Nebraska Congressional delegation that the land embraced in Fort Omaha was of great value for city purposes and could be sold by the United States for such an amount as would very nearly reimburse the Government for the moneys expended in the construction of Fort Crook.

Your committee are satisfied that such representations were so made in good faith and were justified at the time by the then prevailing prices of real estate in and adjacent to the city of Omaha. At that time said city, like all other important Western cities, was at the height of the boom period, and most extraordinary prices were asked and paid for real estate; and all the citizens of said city shared in the belief that values would continue to increase, and your committee believe that the great depreciation in the market value of the lands comprised in Fort Omaha could not have been reasonably anticipated by anyone. Your committee believe that at the time the bill was passed authorizing the building of Fort Crook the lands embraced in Fort Omaha could have been sold for from \$2,000 to \$5,000 per acre; but since that time the general depreciation in the business affairs and values of the country, which has been especially severe in the West, together with local drouth conditions and crop failures in the State of Nebraska and the vicinity of Omaha, have caused such a great falling off in the market values of real estate in the vicinity of said city that it is now very difficult, if not impossible, to make any sales of unimproved real estate or suburban property.

Your committee are thoroughly satisfied, from their investigation and from the statements and representations made to them by the Senators from Nebraska and other reliable citizens of said State, that there is at the present time no prospect of securing purchasers for the land in question at prices which the Government could afford to accept. The present value of the land, including the improvements thereon, is variously estimated at from \$40,000 to \$60,000 for the entire tract, and it is doubtful if the same could be sold at present or in the near future for the minimum amount. Under the law authorizing the construction of Fort Crook the Secretary of War is authorized to proceed with the sale of the real estate embraced in Fort Omaha upon the transfer of the post to Fort Crook. This transfer will be made in the near future. Your committee are advised by the War Department that the United States will have no further use for Fort Omaha for military purposes, and your committee are of opinion that, with the transfer of the garrison to Fort Crook, its abandonment will be permanent.

When Fort Omaha is abandoned the buildings, appurtenances, and improvements will immediately begin to deteriorate in value, and unless the Government shall protect it by maintaining a complete watch and guard over the entire property the buildings will speedily become disfigured and, in process of time, destroyed; windows will be broken, doors carried away, and it will be subject to devastation by fire and storm. Under these circumstances it is proposed to lease this property at a nominal rental to the State of Nebraska, to be used as a place of rendezvous and school of instruction for the National Guard of said State, until such time as the United States or the Secretary of War may again desire its use for military purposes, or until it may be deemed advisable to sell or otherwise dispose of it.

If the bill is passed the State of Nebraska will enter into possession of and maintain the grounds and buildings without expense to the United States, reporting annually to the Secretary of War in detail the uses of the said reservation so long as the State is permitted to use it for the purposes stated. Your committee believe that the maintenance of a military school of instruction by the State of Nebraska at the city of Omaha would be of great value to the United States, and would encourage and provide for the military education and discipline of the youths and young men of a large area of country.

In view of all which considerations your committee feel justified in recommending a different disposition of the grounds and buildings comprised in Fort Omaha from that which was recommended and provided for in the act of Congress authorizing the construction of Fort Crook.

MOSES PENDERGRASS.

JANUARY 22, 1898.—Ordered to be printed.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, submitted the following

REPORT.

[To accompany S. 242.]

The Committee on Post-Offices and Post-Roads, to which was referred the bill (S. 242) for the relief of Moses Pendergrass, of Missouri, have duly considered the same and submit the following report.

A precisely similar bill was favorably reported and passed in the Senate in the Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Moses Pendergrass was a contractor for carrying the mail on Route No. 28630, in the State of Missouri, from July 1, 1887, to May 6, 1888, and carried the mails during that time. By a mistake in making his proposal his contract was for \$4 instead of \$400. It is evident that he did not intend to carry the mail over a route of 15 miles and return six times a week for \$4.

There were a number of bids under \$400, the lowest of which was \$317, and that bidder was entitled to the contract and Mr. Pendergrass is entitled to no more. But the evidence submitted shows him equitably entitled to that. The committee refer to the Report No. 112, first session Fifty-second Congress, made by Mr. Sawyer, chairman of the Committee on Post-Offices and Post-Roads, and make the same a part hereof, and report the bill back to the Senate and recommend its passage.

[Senate Report No. 112, Fifty-second Congress, first session.]

The Committee on Post-Offices and Post-Roads, to which was referred the bill (S. 8) for the relief of Moses Pendergrass, have duly considered the same and submit the following report:

On September 15, 1886, the late Postmaster-General, William F. Vilas, caused the advertisement of that date to be published inviting proposals for carrying the mails of the United States in the State of Missouri, from July 1, 1887, to June 30, 1891, upon the various routes designated therein, and in accordance with the requirements therein. The advertisement for the service from Knob Lick, by Libertyville and Avon, to Coffman, was as follows:

28630 From Knob Lick, by Libertyville and Avon, to Coffman, 15 miles and back, six times a week to Libertyville, 6 miles, and three times a week the residue.
Leave Knob Lick daily, except Sunday, at 2.45 p. m.;
Arrive at Libertyville by 4.15 p. m.;
Leave Libertyville daily, except Sunday, at 9.30 a. m.;
Arrive at Knob Lick by 11 a. m.;
Leave Libertyville Monday, Wednesday, and Friday at 4.30 p. m.;
Arrive at Coffman by 7 p. m.;
Leave Coffman Monday, Wednesday, and Friday at 1.30 p. m.;
Arrive at Libertyville by 4 p. m.

Bond required with bid, \$700.

In pursuance of that invitation for proposals Mr. Moses Pendergrass, of Libertyville, Mo., who is unable to read and write, went to Mr. A. A. Rudy, then postmaster

at Knob Lick, Mo., and a justice of the peace, and requested him to fill out the bid or proposal for carrying the mail on said route, and the proposal in the usual printed form was duly made out and signed by Moses Pendergrass, by his mark, and sworn to before the said A. A. Rudy, a justice of the peace, and the bond, in the sum of \$1,400 was duly executed October 27, 1886, by Mr. Pendergrass, by his mark and by his sureties, E. Presnell and W. P. Blanks, and the two sureties made the proper oath, required by the laws and regulations, before the said A. A. Rudy, as a justice of the peace; and the certificate of the postmaster to such proposal, bond, and oath of sureties was duly made by the said A. A. Rudy, as the postmaster, and the bid was duly forwarded to the Post-Office Department. All the blanks in the proposal, affidavit, and bond, and the oath of the sureties, etc., were filled in and written by the said A. A. Rudy, and Mr. Pendergrass instructed him fully that his bid was to be \$400, but, by mistake, neglect, or oversight, of the said A. A. Rudy, instead of filling in the blank space before the word "dollars" with "400," he wrote the word "four," so that the bid appeared as "four dollars." In due time the bids for this route were opened and were as follows:

List of bidders and amounts of their bids, respectively, for service on Route No. 28630, Missouri, Knob Lick to Coffman, from July 1, 1887, to June 30, 1891.

J. W. McSpaden.....	\$699. 00	Benjamin F. Moss.....	\$379. 00
E. H. Gaither.....	591. 00	M. A. Moore.....	373. 00
W. N. Gibbs.....	541. 00	James D. Smith.....	363. 00
William S. Jackson.....	520. 00	J. R. Boring.....	363. 00
F. S. Smith.....	493. 00	J. B. Colegrove.....	363. 00
J. B. Emery.....	491. 00	C. B. Mitchell.....	360. 00
J. P. Stewart and H. T. Simpson.....	466. 00	Wesley Moore.....	349. 00
J. A. Fults.....	447. 00	W. F. Hansberger.....	349. 00
Andrew Easley.....	442. 88	J. R. Pigg.....	335. 00
E. J. Melton.....	438. 00	R. L. Pease.....	330. 00
M. T. Craft.....	397. 00	F. G. Trestrail.....	317. 00
C. C. Morse.....	396. 00	Moses Pendergrass.....	4. 00

As a matter of course, Mr. Pendergrass at \$4 appeared as the lowest bidder. Thereupon the usual printed form of contract between the United States and Moses Pendergrass as contractor, with Presnell and Blanks as securities, was forwarded to the postmaster, A. A. Rudy, at Knob Lick, and the blank spaces therein were again filled in by Mr. Rudy, the postmaster at Knob Lick, and he again inserted in the blank space before the word "dollars" the word "four," omitting "hundred," and this contract was signed by Mr. Pendergrass by his mark, as also the affidavit of Pendergrass as contractor, which was made before the said Rudy as postmaster, and the same was returned to the Post-Office Department dated February 23, 1887, and duly executed on the 2d day of March, 1887. Copies of the proposal, bond, oath of sureties, certificate of the postmaster, and also of the contract between the United States of America and Moses Pendergrass, duly verified by the Post-Office Department, are before your committee.

Prior to the beginning of the service, and on June 16, 1887, the following order was issued by the Postmaster-General, increasing the service:

JUNE 16, 1887.

[Order No. 9332, Route 28630, Missouri, Knob Lick to Coffman, 15 miles; six times a week six months, three times a week nine months. Moses Pendergrass, \$4.]

From July 1, 1877, increase service to six times a week between Libertyville and Coffman, 9 miles (now three times a week), and allow contractor \$1.71 per annum additional pay, being pro rata.

WM. F. VILAS, *Postmaster-General.*

On July 1 Mr. Pendergrass entered upon his duties as contractor, and duly and faithfully carried the mails on said route up to and including the 6th day of May, 1888. After the expiration of the first quarter, ending September 30, 1888, the Post-Office Department made out and sent to Mr. Pendergrass warrant No. 3855, St. Louis series, for the payment of service on said route in the amount of \$1.43, and this was the first knowledge Mr. Pendergrass had that his bid in the Department appeared as only \$4 instead of \$400; and he immediately notified the Department, claiming that there was a mistake in the amount of the warrant, etc., and on November 23, 1887, the Department wrote him the letter of that date, and Mr. Rudy indorsed and returned said letter to the Third Assistant Postmaster-General, stating that the bid of Mr. Pendergrass was certainly \$400, that he made out the papers for him, etc., and thereupon the Second Assistant Postmaster-General wrote Mr. Rudy, the post-

master at Knob Lick, the letter of December 1, 1887. On February 27, 1888, Mr. Pendergrass notified the Department that in thirty days from that date he would give up his contract, as shown by his letter of that date to the Postmaster-General.

On March 1, 1888, Mr. Pendergrass caused to be written to the Second Assistant Postmaster-General a letter stating what his contract was and why he had to abandon it, unless relief could be afforded to him, and on March 9, 1888, the Second Assistant Postmaster-General sent to Mr. Pendergrass the letter of that date, notifying him that the service would be relet at the expense of himself and sureties, and also addressed the letter of March 9, 1888, to the postmaster at Knob Lick, Mr. A. A. Rudy. On March 16, 1888, Mr. W. P. Blanks, one of the sureties of Mr. Pendergrass, wrote to Hon. M. L. Clardy, member of the Fiftieth Congress, the letter of that date, and Mr. Clardy, as shown on the back, indorsed and referred the same to the Second Assistant Postmaster-General, who answered it, as shown by the letter of March 23, 1888; and thereafter sundry letters were written by the Second Assistant Postmaster-General to Mr. Rudy and to Mr. Pendergrass, and replied to by Mr. Rudy, as shown by the letters of March 27, March 30, April 14, April 17, April 20, April 21, and April 26, and the result of which was that on April 20, 1888, the Postmaster-General issued order No. 5311, declaring the contract forfeited, as shown by the following order:

[Order No. 5311. Route No. 28630. Missouri. Knob Lick to Coffman, 15 miles, 6 times a week, Moses Pendergrass, \$571.]

APRIL 20, 1888.

Whereas Moses Pendergrass, contractor on this route under the advertisement of September 15, 1886, has failed and refused to perform the service, he is hereby declared a failing contractor; and whereas F. E. Smith, of Washington, D. C., has agreed to enter into contract and perform the service for the sum of \$469 per annum, it is hereby ordered that the contract for the performance of the service for the balance of the contract term, to wit, from May 7, 1889, to June 30, 1891, be, and the same is hereby, awarded to the said F. E. Smith, at the rate of \$469 per annum.

A. E. STEVENSON,
Acting Postmaster-General.

And thereupon proceeded to hold him subject to the penalties prescribed, and reported him to the Sixth Auditor of the Treasury for the Post-Office Department, who proceeded to state the account of Mr. Pendergrass for damages in the sum of \$1,459.85.

The letters hereinbefore referred to are as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., November 23, 1887.

SIR: In reply to your letter of the 19th instant I beg leave to inform you that warrant No. 3855, St. Louis series, issued the 11th instant in your favor, is for payment of service performed on Mail Route No. 28630 during the quarter ended September 30, as follows, viz:

Regular quarterly pay, per the contract	\$1.00
More per quarter from July 1 to September 30, under order No. 9333.....	.43
Total quarterly compensation	1.43

Respectfully, etc.,

H. R. HARRIS,
Third Assistant Postmaster-General.

MOSES PENDERGRASS, Esq.,
Libertyville, St. Francois County, Mo.

No date. Received at Third Assistant Postmaster-General's Office, November 28, 1887.

KNOB LICK, MO.

THIRD ASSISTANT POSTMASTER-GENERAL:

Moses Pendergrass's bid on Route 28630 was \$400 per year. There is certainly some great mistake somewhere. Anyone knows that the mail could not be carried 15 miles and back six times a week for \$4 per year. I made the papers for Mr. Pendergrass, and \$400 was his bid.

A. A. RUDY,
Postmaster, Knob Lick, Mo.

[Post-Office Department, Office of the Third Assistant Postmaster-General, Division of Finance.]

WASHINGTON, D. C., November 28, 1887.

Respectfully referred to the Second Assistant Postmaster-General, who will please give Mr. Pendergrass the information called for in the annexed communication.

H. R. HARRIS,
Third Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

Washington, D. C., December 1, 1887.

SIR: Referring to your response to the Third Assistant Postmaster-General, relative to the pay of Mr. Moses Pendergrass for mail service on Route No. 28630—Knob Lick to Coffman—you are informed that the amount of his proposal on file in this office is very plainly written "four" dollars per annum, and in the notice, sent him February 23, 1887, of the acceptance of his proposal, the rate of his pay was stated as "four dollars per year," and contracts at that rate were sent to you for execution by Mr. Pendergrass and returned to the Department so executed. And, therefore, the rate at which he has been paid for service in the quarter ended September 30 last is the most that he can be paid for the service.

If it is a fact that a mistake was made in filling out the proposal it appears to have been made by you, and it is astonishing that it has not been discovered until now, in view of the notice sent the contractor of the acceptance, his execution of contract, and notification of increase of service, and the services rendered by you as a justice of the peace and postmaster in the execution of the proposal and contract, and the poster sent you on June 1, 1887, stating the rate of the contractor's pay.

Very respectfully,

A. LEO KNOTT,
Second Assistant Postmaster-General.

POSTMASTER, Knob Lick, St. Francois County, Mo.

KNOB LICK, MO., February 27, 1888.

The POSTMASTER-GENERAL,
Washington, D. C.

I hereby give notice that thirty days from this date I shall give up my contract for carrying the mail from Coffman to Knob Lick, Mo., on Route No. 28630.

Yours, very respectfully,

MOSES PENDERGRASS, Contractor.

KNOB LICK, MO., March 1, 1888.

DEAR SIR: I notified the honorable Postmaster-General that I was compelled to give up my contract of carrying the mail from Coffman, Mo., to Knob Lick, Mo., on Route 28630.

My bid was \$400. The postmaster at Knob Lick made it out for me and made it \$4 when he wanted to make it \$400. The Postmaster-General wrote me that for further information to communicate with you and state the reason for quitting my contract. I am a poor man and have a family to support, and how can I do it on \$4 a year?

It would be a limited support, and if you can do something for me your favor shall never be forgotten, I assure you. I have now carried the mail three quarters. Am now bound to quit if there is not a change made. Please let me hear from you soon.

I am yours, truly,

MOSES PENDERGRASS,
Libertyville, Mo.

SECOND ASSISTANT POSTMASTER-GENERAL.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., March 9, 1888.

SIR: You are hereby informed that in pursuance of your notice of the 27th ultimo, that thirty days from that date you would abandon the service on Route No. 28630, between Knob Lick and Coffman, Mo., the Department has offered up the route and

advertised for bids for the service to begin on the 10th proximo, from which date the service will be relet at the expense of yourself and sureties, should you abandon the service as stated in your said notice.

Very respectfully,

D. HAGERTY,
Acting Second Assistant Postmaster-General.

Mr. MOSES PENDERGRASS,
Libertyville, St. Francois County, Mo.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., March 9, 1888.

SIR: Mr. Moses Pendergrass, contractor on Route 28630, Knob Lick to Coffman, has notified the Department that he should quit the service on said route thirty days from the 27th ultimo, in consequence of which the route has been offered up and service advertised for to begin on April 10 next.

Should Mr. Pendergrass quit the service, as stated, you are instructed to employ temporary service on the route at not exceeding \$2 per round trip, until regular service shall be resumed, and at once notify this office of the contractor's abandonment and your action.

Very respectfully,

D. HAGERTY,
Acting Second Assistant Postmaster-General.

POSTMASTER, *Knob Lick, St. Francois County, Mo.*

Knob Lick, Mo., *March 16, 1888.*

DEAR SIR AND FRIEND: I suppose you have been bored until you are sick and tired about this Pendergrass mail matter.

Some time since Mr. P. resigned, and a new letting ordered, which goes into effect 10th of April. Yesterday a Mr. Trestrail, of Kansas City, was here and hired Mr. Pendergrass to carry the mail for the remainder of the term, paying him at the rate of \$450 per year. He claims to do this in the interest of the Government or Post-Office Department; he also says Pendergrass's bondsmen are responsible for the difference in the bids, that is, as I suppose the \$4 Pendergrass bid, and the \$450 or whatever bid he, Trestrail, may put in, unless we could get released, which he thought could be done.

He told me to write and have you (if it is not too late) to append to your bill asking an appropriation for P—— to ask also for a release of his bondsmen, Prisnel and myself, all of which I ask in the interest of your friends and more particularly ourselves.

I would like to hear from you soon.

Yours, most respectfully,

W. P. BLANKS.

Hon. M. L. CLARDY,
Washington, D. C.

P. S.—Mr. Trestrail is the \$317 bidder.

Respectfully referred to Hon. A. Leo Knott, Second Assistant Postmaster-General. Please read the within letter and give me an answer to the inquiry of correspondent. I would like to know by what authority a Kansas City man employed Mr. Pendergrass, and to have any other information that you think will interest the writer.

MARTIN L. CLARDY.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., March 23, 1888.

SIR: Referring to the letter of Mr. W. P. Blanks, and your indorsement thereon, relative to the mail service on Missouri Route No. 28630, Knob Lick to Coffman, I have the honor to inform you that Mr. Pendergrass, the contractor, having notified this office that he will not perform service after the expiration of the present quarter, the Department has offered up the route and advertised for bids for service to commence on the 10th proximo, but no award of contract has yet been made, and the postmasters instructed to advertise have not yet reported. Should Mr. Pendergrass quit the service, as stated, the route will be relet to the lowest bidder, the

difference between the amount of whose bid and the amount of Mr. Pendergrass's pay Mr. Pendergrass and his sureties will be liable for.

Neither Mr. Trestrail nor any person except Mr. Pendergrass or the postmaster at Knob Lick has any authority to employ service on said route at present.

Very respectfully,

Hon. M. L. CLARDY,
House of Representatives.

D. HAGERTY,
Acting Second Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., March 27, 1888.

SIR: You are instructed to report to this office, promptly, at the close of this month, whether Moses Pendergrass, the contractor, has abandoned the service on Route No. 28630, Knob Lick to Coffman; and should he not then abandon the service you will please ascertain and report his intentions concerning the same.

Very respectfully,

A. LEO KNOTT,
Second Assistant Postmaster-General.

POSTMASTER, *Knob Lick, St. Francois County, Mo.*

KNOB LICK, MO., *March 30, 1888.*

SIR: Moses Pendergrass is still carrying the mail from this office to Coffman, and says he will continue to carry the same until the 10th of April, at which time he expects to hand the mail matter over to the new contractor, if there is one. If he is to carry any longer than the 10th of April you had better so inform him.

Yours, respectfully,

A. A. RUDY,
Postmaster, Knob Lick, Mo.

SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., April 14, 1888.

SIR: Referring to your report of the 30th ultimo, that Mr. Pendergrass was still performing the service on Route No. 28630, Knob Lick to Coffman, and would continue to perform the service until April 10, 1888, or until the commencement of service under a new contract, you are informed that a new contract can not be ordered until Mr. Pendergrass shall have actually failed and refuse to perform the service. You will please so inform him, and if he shall fail and refuse to perform the service, you will promptly notify this office of the fact, and employ temporary service as heretofore instructed.

Very respectfully,

A. LEO KNOTT,
Second Assistant Postmaster-General.

POSTMASTER, *Knob Lick, St. Francois County, Mo.*

KNOB LICK, MO., *April 17, 1888.*

SIR: Moses Pendergrass, who has been the late contractor and carrier on Route 28630, has refused and failed to convey the mail from Knob Lick to Coffman, Mo. I have employed temporary service by employing Henry Chappell to convey the mail from Knob Lick to Coffman, Mo., at \$2 per day until a new contractor has taken charge and entered upon the service of his contract.

A. A. RUDY,
Postmaster, Knob Lick, St. Francois County, Mo.

SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., April 20, 1888.

SIR: You are hereby informed that in consequence of your failure and refusal to perform service on Route No. 28630, Missouri, Knob Lick to Coffman, you have been declared a failing contractor, and the service for the balance of the contract term, to wit, from May 7, 1888, to June 30, 1891, has been awarded to Mr. F. S. Smith, of Washington, D. C., at the rate of \$469 per annum, the amount of his bid being the lowest received under the "offer up" and readvertisement for the service as required under your contract.

Very respectfully,

A. LEO KNOTT,
Second Assistant Postmaster-General.

Mr. MOSES PENDERGRASS,
Libertyville, St. Francois County, Mo.

Knob Lick, Mo., *April 21, 1888.*

SIR: Since writing to you Mr. Moses Pendergrass, contractor on Route 28630, informs me that after maturely considering his obligation and duties in the premises, he has determined to continue in the service until after the expiration of the present fiscal year. I have therefore notified Henry Chappel, the person employed by me, upon the refusal of Moses Pendergrass, that his service will not be needed. I trust no action may be taken by the Department that may prejudice Mr. Pendergrass or his sureties.

Yours, respectfully,

A. A. RUDY,
Postmaster, Knob Lick, Mo.

SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., April 26, 1888.

SIR: Referring to your letter of the 20th instant, stating the determination of Mr. Moses Pendergrass to resume the service on Route No. 28630, Knob Lick to Coffman, and continue the same until June 30 next, you are informed that in view of Mr. Pendergrass's notice of February 27 last, that thirty days from that date he would quit the service, and your report of the 17th instant that he had "refused and failed to convey the mail from Knob Lick to Coffman," and the order having been issued on the 20th instant declaring him a failing contractor and awarding the service to Mr. F. S. Smith, and Mr. Smith having then been notified of such award, the Department declines to revoke its order and allow the resumption of the service by Mr. Pendergrass, who you are instructed to notify of these facts.

Very respectfully,

D. HAGERTY,
Acting Second Assistant Postmaster-General.

POSTMASTER, *Knob Lick, St. Francois County, Mo.*

Mr. Pendergrass, being unable to read or write, had to depend upon others to give attention to this business and to have the matter properly adjusted. Early in January, 1890, through his friends, he applied to Senator Cockrell, who, on application to the Second Assistant Postmaster-General and to the Sixth Auditor of the Treasury, received the replies of January 15 and 16, 1890, as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 15, 1890.

SIR: In the case of Moses Pendergrass, who has been declared a failing contractor on Route No. 28630, in the State of Missouri, the circumstances of whose failure is fully set forth in your letter of the 10th instant, I have the honor to inform you that there has been no correspondence with Mr. Pendergrass or his sureties, and no action taken by this office in this matter, except to state his account for damages, which amounts to \$1,459.85.

There is no doubt that a mistake has been made in this case, and the wonder is that Mr. P. should have gone on performing the services so long after receiving his first payment of \$1.43, November 11, 1887. I am prepared to recommend to the honorable Postmaster-General a remission of his penalties as a failing contractor, and to

pay him the balance of two dollars due him for service under his contract to May 6, 1888, which is all the relief this office can afford in the case.

It looks as if Congressional action will be necessary to provide payment for the service performed by Mr. Pendergrass from July 1, 1887, to May 6, 1888, at a rate of pay commensurate with his *intended* bid.

Very respectfully,

T. B. COULTER,
Auditor.

Hon. F. M. COCKRELL,
United States Senate.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, January 16, 1890.

SIR: In compliance with your request of the 10th instant, I have the honor to transmit herewith copies of the correspondence between this office and Mr. Pendergrass and others, relative to the amount of his bid and his failure to perform service for which he was declared failing contractor on Route No. 28630, Missouri, Knob Lick to Coffman, and to state that the Department has no authority to pay Mr. Pendergrass for the service performed by him at a higher rate than that stated in his proposal. Concerning proposed legislation in his behalf it is suggested that this may not be necessary for his relief from the liability incurred by his abandonment of the service, in view of section 309, Postal Laws and Regulations (Revised Statutes, section 409), to wit:

"In all cases of fine, penalty, forfeiture, or disability, or alleged liability, for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employes, operations, or business of the postal service, the Postmaster-General may prescribe such general rules and modes of proceedings as shall appear to be expedient, for the government of the Sixth Auditor in ascertaining the fact in each case in which the Auditor shall certify to him that the interests of the Department probably require the exercise of his powers over fines, penalties, forfeitures, and liabilities; and upon the fact being ascertained the Auditor may, with the written consent of the Postmaster-General, mitigate or remit such fine, penalty, or forfeiture, remove such disability, or compromise, release, or discharge such claim for such sum of money and damages, and on such terms as the Auditor shall deem just and expedient."

The Department had no recourse but to declare Mr. Pendergrass a failing contractor, and hold him subject to the penalties prescribed, but should terms of settlement relieving him from liabilities be arranged with the Auditor and referred to the Postmaster-General for his sanction, they will receive his consideration.

In reference to the indorsements on the back of Mr. Pendergrass's bid, the amount "\$400" in black was erroneously written thereon by a clerk in this office, and the correction, by crossing out that amount and writing over the same in red ink the sum "\$4," was made by another clerk charged with the examination of bids.

Very respectfully,

S. A. WHITFIELD,
Second Assistant Postmaster-General.

Hon. F. M. COCKRELL,
United States Senate.

On January 30 Senator Cockrell wrote to the Sixth Auditor a letter, inclosing to him a letter from Mr. Pendergrass and also the affidavit of Mr. Pendergrass, and also the affidavit of W. P. Blanks and E. Presnell, his sureties, and a letter of said A. A. Rudy to the Sixth Auditor, asking for a compromise of the liabilities of Mr. Pendergrass and his sureties and their release from the declared damages of \$1,459.85, which papers were duly received by the Sixth Auditor on February 1, 1890; and on February 27, 1890, the Sixth Auditor wrote the following letter to Senator Cockrell announcing the compromise and release:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., February 27, 1890.

SIR: I have the honor to inform you that the honorable Postmaster-General has compromised the liabilities of Moses Pendergrass, failing contractor on Route No. 28630, Missouri, and those of his sureties, for the sum of one dollar, which has been charged in the final settlement of his account.

Very respectfully,

T. B. COULTER,
Auditor.

Hon. F. M. COCKRELL,
United States Senate.

On April 7 Mr. Cockrell wrote to the Sixth Auditor for the affidavits, etc., and for the papers above described, so transmitted to him, and also for information in regard

to the amount that would be due Mr. Pendergrass for his services July 1, 1887, to May 6, 1888, and received in reply a letter dated April 12, 1890, which, and the affidavits and papers therein referred to, are as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., April 12, 1890.

SIR: In compliance with the request contained in your communication of the 7th instant, I have the honor to inclose herewith the original affidavits of Moses Pendergrass, failing contractor on Route No. 28630, in the State of Missouri, and of his sureties, and the certificate of A. A. Rudy. The amount which would have accrued to the credit of Mr. Pendergrass for service from July 1, 1887, to May 6, 1888, under a contract executed in pursuance of a bid at \$400 per annum, and a pro rata allowance under the subsequent orders of the Postmaster-General increasing the service (less the amount already paid and the charge of \$1 in compromise), is \$480.13. The amount which would have accrued for the same service under a contract based on Trestrail's bid at \$317 per annum for the same period and under the same conditions as above stated is \$379.56.

I take the liberty to suggest that the claim of Mr. Pendergrass should not be for a greater sum than that which would have been paid by the Government, under a contract based on Trestrail's bid; and it might be well to consider whether or not this sum should be reduced by deducting the amount the Government is paying for the service in excess of Trestrail's bid, which is at the rate of \$16.14 per annum, amounting to \$58 from May 7, 1888, to the end of the contract term, June 30, 1891. I further suggest that as this claim does not originate in the Post-Office Department, it should properly be paid out of any moneys in the Treasury not otherwise appropriated, and not from postal revenues.

Very respectfully,

T. B. COULTER,
Auditor.

Hon. F. M. COCKRELL,
United States Senate.

DEAR SIR: I have forwarded you my affidavit setting forth all the particulars in regard to my bid on Route No. 28630, in the State of Missouri. The affidavit shows how the mistake was made and what my proposal was, and that I did not absolutely abandon the service, but continued to carry the mail until another contractor was ready and taken charge of the mail. I am a very poor man and dependent for the support of myself and family upon my daily manual labor. It would be oppressive on me and my sureties to be compelled to pay the \$1,459.85, the amount of damage for my failure to complete my contract for carrying the mails. I respectfully and earnestly request of you, the honorable Sixth Auditor of the Treasury for the Post-Office Department, to investigate the matter fully, and to certify to the Postmaster-General whether or not in his judgment the interest of the Department and the interest of right and justice require the exercise of his power over this penalty and forfeiture, and ask his written consent to remit the penalty and forfeiture, and release and discharge the claim of \$1,459.85 now pending against me and my sureties.

his
MOSES x PENDERGRASS.
mark.

Hon. T. B. COULTER,
Washington City, D. C.

Hon. T. B. COULTER,
Sixth Auditor of the Treasury for the Post-Office Department, Washington City, D. C.
STATE OF MISSOURI, *County of St. Francois:*

I, Moses Pendergrass, late contractor on Mail Route No. 28630, in the State of Missouri, do hereby certify that I am an uneducated man, unable to read or write, and have to depend on some one else, and in my bid for the contract on said route I proposed \$400 and so instructed Mr. A. A. Rudy, who filled in the blanks in my proposal; that under no circumstances could I have bid, knowingly, \$4 (four dollars) per year. Being uneducated I could not read any of the papers sent, either the bid or proposal, the acceptance of it, the bond and the other papers. Placing the greatest confidence in Mr. Rudy I depended altogether on him. The first knowledge I had there was a mistake in my bid was when I received my voucher for the first quarter. At the time I thought the Department had made the mistake; I notified them immediately.

The Department informed Mr. Rudy that if there was any mistake in my bid he (Rudy) had made the mistake. In the notice of February 23, 1887, to Mr. Rudy, the postmaster at Knob Lick, of the acceptance of my proposal, he (Rudy) did not notify me that my pay was \$4.00 (four dollars) per year. I never was informed by Mr. Rudy that I had contracted to carry the mail on said route for \$4.00 per annum. After ascertaining that a mistake in my bid being placed at \$4.00 instead of \$400.00, and that the Post-Office Department could not afford me any relief, I duly notified the Department that on a certain time I would quit the service. I gave ample notice and did not abandon the service, but continued to carry the mail until the 6th day of May, 1888, and until another contractor was ready to take charge.

his
MOSES x PENDERGRASS.
mark.

Subscribed and sworn to before me this 27th day of January, 1890.

A. A. RUDY, *Justice of the Peace.*

STATE OF MISSOURI, *County of St. Francois:*

W. P. Blanks and E. Presnell, being duly sworn, say that they are sureties on Moses Pendergrass's bond for carrying the mail on Route No. 28630, in the State of Missouri, and that they never read the bond which they signed, and that the facts set forth in Moses Pendergrass's affidavit are true to the best of their knowledge and belief.

W. P. BLANKS.
E. PRESNELL.

Subscribed and sworn to before me this 27th day of January, 1890.

A. A. RUDY, *Justice of the Peace.*

KNOB LICK, Mo., *January 27, 1890.*

DEAR SIR: I filled in the blanks in the bid of Moses Pendergrass on Mail Route No. 28630, and his proposal was for \$400, and he so instructed me, but through an oversight of mine, I put \$4 instead of \$400. In the notice of February 23, 1887, of the acceptance of Moses Pendergrass's proposal I did not notify Mr. Pendergrass that his proposal was for \$4 per year. I never did inform Mr. Pendergrass that he was only to get \$4 per year. I most respectfully and earnestly ask you to do what you can to remit the penalty and forfeiture and release and discharge the claim of \$1,459.85 now pending against Mr. Pendergrass and his securities.

A. A. RUDY, *Justice of the Peace.*

Hon. T. B. COULTER,

*Sixth Auditor of the Treasury for the
Post-Office Department, Washington, D. C.*

These papers show beyond any doubt that Mr. Pendergrass intended to make a bid of \$400 per year and so believed until after he had carried the mail on the route for more than four months; and then, after he ascertained that there was some mistake and that the Department claimed his bid was only \$4, he still carried the mail up to May 6, 1888, showing his good faith and his anxiety to get the matter settled without loss or detriment to the Government or to the public service.

The equities in favor of Mr. Pendergrass are very strong and he should not be permitted to suffer by the oversight or neglect of others when the Government has lost nothing thereby. The bill proposes to pay to Mr. Pendergrass the amount he would have been entitled to had the next lowest bidder been given the contract; in other words, if his bid had been \$400, the lowest bidder would have been Mr. Trestrail at \$317, and this bill pays Mr. Pendergrass at the rate of \$317 for the time he carried the mails, including the increased service on the route, to wit, \$379.56. If Mr. Pendergrass were to be paid at the rate of his bid, \$400, the amount due him would be \$480.13.

Your committee therefore report this bill back to the Senate favorably and recommend its passage.

CATHOLIC CHURCH AT MACON CITY, MO.

JANUARY 22, 1898.—Ordered to be printed.

Mr. TELLER, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 248.]

The Committee on Claims, to which was referred the bill (S. 248) for the relief of the Catholic Church at Macon City, Mo., have duly considered the same and submit the following report:

In the Fifty-first Congress a precisely similar bill was reported favorably by this committee and passed by the Senate on June 7, 1890 (see S. 407 and Report No. 741, by Senator Spooner), and was favorably reported in the House (Report No. 2420), but final action was not had.

In the Fifty-fourth Congress a precisely similar bill was reported favorably by Mr. Caffery, of this committee, and passed by the Senate (S. 71, Fifty-fourth Congress, second session).

In the Fifty-first Congress H. R. 1859, to pay \$725, was favorably reported in the House (Report No. 1597).

In the Fifty-second Congress a similar bill (H. R. 4097) was favorably reported in the House by Report No. 1592, which report is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 4097) for the relief of the Catholic Church at Macon City, Mo., submit the following report:

The evidence submitted shows that the church building was taken possession of, used, and occupied by various commands of the United States troops during the fall and winter of 1864; that the use of said building was necessary to the health and lives of the troops, and that the rental value for the time it was so used was reasonably worth the sum of \$725.

The building was much damaged and injured in value by said occupation, of which the committee have taken no account.

Your committee report back the bill and recommend its passage.

Your committee report the bill back to the Senate and recommend its passage.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIA-
TION BILL.

JANUARY 22, 1898.—Ordered to be printed.

Mr. CULLOM, from the Committee on Appropriations, submitted the
following

REPORT.

[To accompany H. R. 4751.]

The Committee on Appropriations, to whom was referred the bill (H. R. 4751) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, report the same to the Senate with various amendments, and present herewith a statement showing the changes recommended by the committee in the amount of the bill as passed the House of Representatives, the amount of the estimates for the fiscal year 1899, the amount of the House bill, the amount recommended by the committee, and the amount of the appropriations made by the legislative, executive, and judicial appropriation act for the fiscal year 1898.

LEGISLATIVE, 1899.

Amount of estimates for 1899.....	\$22, 343, 286. 65
Amount of House bill.....	21, 476, 245. 65
Increase recommended by Senate committee (net)	153, 055. 00
Amount as reported to the Senate	21, 629, 300. 65
Amount of act for 1898.....	21, 690, 766. 90
Amount of legislative items in other acts.....	28, 800. 00
Total legislative appropriations for 1898.....	21, 719, 566. 90
The bill as reported is less than the estimates	713, 986. 00
The bill as reported is less than the appropriations for 1898	90, 266. 25

The changes recommended by the committee in amounts of House bill are as follows:

INCREASE.

For Senate.....	\$11, 785. 00
Library of Congress.....	21, 410. 00
Executive office.....	2, 600. 00
Department of State.....	620. 00

2 LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Treasury Department, namely:

Office of the Secretary.....	\$4,800.00
Office of Auditor for State Department.....	1,800.00
Office of Life-Saving Service.....	1,800.00
Office of assistant treasurer at Chicago, Ill.....	1,500.00
Office of assistant treasurer at New York.....	720.00
Mint at New Orleans, La.....	34,700.00

War Department, namely:

Office of Commissary-General.....	1,200.00
Office of Rebellion Records.....	16,580.00

State, War, and Navy Department building..... 12,960.00

Navy Department, namely:

Naval Records of the Rebellion, publication.....	1,000.00
Engraving, charts, etc., Pearl Harbor, Hawaiian Islands.....	2,400.00

Interior Department, namely:

Office of the Secretary.....	7,050.00
Patent Office.....	25,880.00
Office of Commissioner of Railroads.....	400.00
Contingent expenses.....	8,000.00
Professional and scientific books, etc.....	750.00

Post-Office Department, namely:

Office of the Postmaster-General.....	250.00
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Total increase..... 158,205.00

REDUCTION.

Office of Auditor for War Department.....	1,800.00
Office of Auditor for Post-Office Department.....	3,200.00
War Department, Secretary's Office.....	150.00

Total reduction..... 5,150.00

Net increase..... 153,055.00

AMOUNT OF LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION ACTS, FISCAL YEARS 1886 TO 1898, INCLUSIVE.

1886.....	\$21,376,708.70
1887.....	20,654,346.37
1888.....	20,745,023.67
1889.....	20,758,178.07
1890.....	20,843,615.81
1891.....	21,030,752.75
1892.....	22,027,674.75
1893.....	21,960,132.97
1894.....	21,865,802.81
1895.....	21,305,583.29
1896.....	21,891,718.08
1897.....	21,519,324.71
1898.....	21,690,766.90

ECKINGTON AND SOLDIERS' HOME AND BELT RAILWAY COMPANIES.

JANUARY 24, 1898.—Ordered to be printed.

Mr. FAULKNER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 3365.]

The Committee on the District of Columbia, to whom was referred several bills relating to a change in the motive power of the Eckington and Soldiers' Home Railway and the Belt Railway, report a bill to accomplish the objects sought, and recommend its passage.

The object of the bill is to allow a consolidation of the Eckington, the Belt, the Maryland and Washington, and the Columbia and Maryland electric railways, all of which properties are owned mainly by the same persons. This consolidation will allow the new company to secure the large sum of money necessary to equip the lines inside the city of Washington with an underground system of rapid transit essentially similar to that now in successful use on the Metropolitan Railway and now being introduced on the lines of the Capital Traction Company.

A full and fair statement of the situation is given in the following letter from Mr. O. T. Crosby:

THE COLUMBIA AND MARYLAND RAILWAY,
Washington, D. C., January 22, 1898.

DEAR SIR: It is probably well known to you that the Eckington and Soldiers' Home Railway has for many years been operated as a horse line, save for certain portions outside the city limits which are operated by overhead trolley line. Connecting with it there was built last year a new and very expensive line $2\frac{1}{2}$ miles long, extending to the boundary of the District and known as the Maryland and Washington Railway. The horse line and the old electric line are in very bad shape. They are losing money daily and give exceedingly poor service to the public.

In respect to the legislation asked for touching the Eckington and Soldiers' Home Railway, I have to state for those who have recently become the owners of a large majority of the stock of that company that the plans which have been made are as follows:

This company will first be taken out of the hands of receivers by the payment of the debts now owed by the company. It will then be merged in the Maryland and Washington Railway Company, all the property of which is now owned by the Eckington and Soldiers' Home Railway Company, which will likewise be merged by purchase or sale with the Columbia and Maryland or such company as may succeed to that, owning an electric railway extending from the further terminus of the

Maryland and Washington toward Laurel. The line then composed of the three lines above named will be completed for electric traction just as promptly as possible, those portions within the city limits with underground electric system, and those portions outside the city limits and now equipped with overhead trolley, or nearly so, will be completed or renewed according to their needs. Through service will then be established from Lakeland, which is the farthest point in the direction of Laurel from which service will be begun, to the Treasury building.

In respect to the Belt Railway Company, it chances that those who control the stock of the Eckington and Soldiers' Home Railway likewise have a bare majority of the Belt Company stock. The property of the company is under decree of foreclosure. It has a heavy bond and some very undesirable trackage; hence from every point of view our relation to it was by no means as simple as that toward the Eckington, for which all arrangements have been made in the matter of money to carry out the plans above named. We therefore propose merely that in case we can see our way toward taking any further interest than we now have in the Belt Railway it should be incorporated in the Eckington and Soldiers' Home Railway Company, and in case this is done we are, according to the act, to equip the Belt Railway line with underground electric system inside the city limits.

The underlying reason for application to Congress in this matter is the necessity for obtaining the right to issue bonds and stock to represent the very large expenditure which must be made in changing the Eckington Railway from horses to electric system. By some oversight, doubtless, no such authority exists to-day. It is of course impossible to expend large sums without representing them by the securities of the company for whose benefit they are expended.

This need and great desirability, if not necessity, of consolidating properties which are to be operated as one constitutes the basis of our application to Congress. Without some such legislation as here proposed, it will be thoroughly impossible to correct the present bad state of affairs—bad for public as well as private interests.

Yours, truly,

O. T. CROSBY.

Hon. JAMES McMILLAN,
Chairman District Committee, United States Senate.

In order to secure the results desired the company is required to give a bond of \$100,000 for the faithful performance of the work of reconstruction.

The committee would state that the proposed legislation has been known to the public for some time, and that the press and the people of the District are strongly in favor of the measure.



CHARTER OF CAPITAL TRACTION COMPANY.

JANUARY 24, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany S. 3202.]

The Committee on the District of Columbia, to whom was referred the subject of amendments to the charter of the Capital Traction Company, report the bill (S. 3202) authorizing certain extensions to the lines of the said company.

During the present session of Congress several bills proposing extensions to the lines of this company have been introduced in the Senate—one bill at the instance of the company, the others at the request of citizens who desired such extensions for their own accommodation. These bills were referred to the Commissioners of the District of Columbia, whose report is given below.

The first extension proposed by the company involved crossing the space on the east front of the Capitol. While admitting the convenience to many passengers of such an arrangement, the committee nevertheless regarded such an extension as absolutely inadmissible. The reasons for keeping the Capitol grounds free from street-car traffic are too many and too obvious to need mention.

It has been thought wise, however, to permit the company to construct a loop by using the two now unoccupied sides of the square bounded by First street, C street, New Jersey avenue, and B street, thus doing away with the dangerous and unsightly switching of cars in the part of the street diagonally across from the Baltimore and Ohio Station.

At the request and on the petition of the property owners on F and G streets south of Pennsylvania avenue, the committee recommends a loop leaving the main tracks of the company near the northwest corner of the State, War, and Navy building, and running to the Corcoran Gallery, thence by New York avenue, E, Nineteenth, F, and Twenty-sixth streets, there to join the main tracks on Pennsylvania avenue, using G street for the return tracks. In this way a portion of the city not now supplied with street railway accommodations will be provided for.

The company asked for a loop on Howard avenue and Park street, as an extension of the Fourteenth street line toward the Rock Creek park, and this request was supported by the property owners. The Metropolitan Railway also asked privileges on Howard avenue. Both Howard avenue and Park street are at present too narrow to permit their use for a double-track road, and the latter thoroughfare is too narrow even for a single track. The committee had arranged for the widening of Park street before allowing its use for railway purposes, but in view of the proposition to use Howard avenue for both roads it has been thought best to hold the entire matter open for further discussion.

An extension on Pennsylvania avenue east to the Pennsylvania Avenue Bridge over the Eastern Branch of the Potomac has been inserted at the request of the property owners and residents in that section, and with the consent of the company.

Loops designed to stop the switching of cars in the streets have also been provided for at the Navy Yard, at the northern end of the Seventh street line, and near the power house of the company on Water street near the Arsenal. These loops will add to the convenience of the service, and no objections to them have been raised.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 5, 1898.

SIR: The Commissioners have the honor to make the following report upon Senate bill 2547, "To amend the charter of the Capital Traction Company, of the District of Columbia," which was referred to them at your instance for their views thereon:

Section 1, lines 9 to 15, of the bill refers to an amended route around the Capitol, between the lines on Pennsylvania avenue, southeast and northwest. The object of the proposed change is to afford better facilities for reaching the Baltimore and Ohio station and the east side of the Capitol. Should the company be authorized to follow the new route, the tracks on First and B streets south, between the Peace Monument and the top of the hill, would be abandoned, reopening B street to travel and avoiding the curves along the west face of the Capitol Grounds.

The grades of B street north are within a small fraction of 1 per cent the same as the grades on B street south, where the present tracks are laid. B street north has a width of 35 feet between curbs. With summer cars, the minimum width required on B street for street-railway purposes with double tracks is 21 feet. This would leave but 14 feet for ordinary street purposes, it being considered inadmissible to consider the portion of the street occupied by the tracks of a rapid transit road as available for general vehicular use. The ordinary width laid down by all authorities for a highway where two vehicles are to pass, is 16 feet, 2 feet more than would be available were tracks laid on B street north. As regards the branch through the Capitol Grounds, the Commissioners consider it inadvisable to make any comments thereon, since it would seem that the matter should be decided by Congress alone.

Section 1, lines 16 to 19: This provides for a loop giving access to the Baltimore and Ohio station. Should this loop be established, the double track now on First street and Indiana avenue (C street) would seem to be unnecessary, and one track could be abandoned. If the Baltimore and Ohio station is to remain in its present location, a single-track loop through First street, Indiana avenue (C street), New Jersey avenue, and B street north would seem to be desirable for the public service. Should the position of the station be changed, as recommended by the Commissioners in their report on Senate bill 2809, Fifty-fourth Congress, to provide for the elevation of the tracks of the Baltimore and Ohio Railroad (printed for the use of the Senate Committee on the District of Columbia under date of December 19, 1896), access should be given to the station over the lines of the Metropolitan Railroad Company. Inasmuch as there is uncertainty on this point, a general provision permitting this would seem to be desirable.

It is suggested that the heavy grades on B street south or north can be avoided and a better means of access to the Baltimore and Ohio station can be afforded by having the main line of the Capital Traction Company follow its present tracks to the junction of Indiana avenue and First street west, and then, in accordance with the practice in other cities as well as in Washington, by switches to connect with the Metropolitan line and run over its tracks as far as the corner of East Capitol

and First streets, proceeding thence on its own lines through First street to B street south, with a branch extending into the Capitol Grounds similar to the branch at present occupied by the Metropolitan road, either over this branch or on some other route agreeable to Congress, making a suitable terminal for the cars of the Fourteenth street line.

SECTION 1, lines 20 to 26: The general objects to be served by the provisions included herein would be a decided benefit to the public. Inasmuch as Twenty-sixth street is a very narrow street, and for the same reasons given for B street, it should not be occupied by a double track. It is believed that the interests of the railway as well as of the people will be best served by amending lines 23 to 33, inclusive, to read as follows:

"G street northwest; thence west with a single track on G street to Twenty-fifth street northwest; thence north on Twenty-fifth street with a single track to Pennsylvania avenue northwest, connecting with the main line of the company; also, beginning with the tracks at the corner of Seventeenth and G streets northwest, thence south by single track along Seventeenth street to F street northwest; thence west on F street by single track to Twenty-sixth street northwest; thence north along Twenty-sixth street by single track to Pennsylvania avenue northwest, connecting with the main line of the company: *Provided*, That for the purpose of furnishing a loop, for use when necessary, a single track may be extended along G street northwest from Twenty-fifth to Twenty-sixth streets, connecting with the single tracks on Twenty-fifth and Twenty-sixth streets."

In this connection it might not be out of place to invite attention to the exceedingly dangerous condition at Twenty-sixth and M streets, resulting from the deflection of the tracks from Pennsylvania avenue, at Twenty-sixth street north, to M street, and thence across the bridge along M street. Twenty-sixth street is so narrow that it is totally obstructed by the double tracks, and vehicular and street-car traffic is badly impeded, and at the M street bridge the crossing is made dangerous by the presence of cars. All of this could be avoided by widening the aqueduct bridge over Rock Creek on the line of Pennsylvania avenue and extending the tracks straight across this bridge to the intersection of Pennsylvania avenue and M street. The feasibility of such widening is shown very clearly on page 3999 of the Report of the Chief of Engineers, United States Army, 1897, being a portion of the report of Capt. D. D. Gaillard, Corps of Engineers, the officer in charge of the maintenance and repair of the Washington Aqueduct and increasing the water supply of Washington, D. C. It is believed that the straightening herein suggested would be of marked public benefit.

The loop provided in lines 34 to 41 would also be of marked convenience to the general public, inasmuch as the shifting of street cars from track to track, in the street itself, at the terminus of a line, invariably causes an obstruction of the street which should not be permitted, and which should be provided for otherwise where practicable. Here again, however, it becomes necessary to invite attention to the narrow streets over which the proposed route would run. Fourteenth street extended is a very much traveled road and is only 33 feet wide, not even wide enough for present demands. Under the provisions of the highway extension act it is intended to widen this portion of the street to 110 feet. The construction proposed by the Capital Traction Company is permanent in its character and could not be moved readily. If built, it should be placed in the position it would occupy most advantageously on the street when widened.

Park and Howard avenues and Seventeenth street are also narrow streets, and to make travel safe should have a width between curbs of at least 42 feet (10 feet in the center for street-railway purposes, 16 feet on each side for vehicles). It can not be deemed to the best interests of the public that street railways be built in these streets unless provision is made for securing the full width required. Fourteenth street should be widened sufficiently to permit the railway being placed in proper position, as indicated above (about 10 feet on the east side), and the other streets to the extent necessary to provide 42 feet between curb lines.

The provisions in lines 42 to 47 would seem to be desirable for the public interest, provided the track in the alley in the center of square 907 be placed as close to the east side of the alley as practicable. In line 44 the word "thirty" should be changed to read "twenty-five."

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Senator JAMES McMILLAN,

Chairman Committee on the District of Columbia, United States Senate.

The first of these is the fact that the United States is a young nation, and that its history is a history of growth and development. It is a history of a people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The second fact is that the United States is a nation of immigrants. It is a nation of people who have come from many different parts of the world, and who have brought with them their own customs and traditions. This has made the United States a melting pot of different cultures and peoples.

The third fact is that the United States is a nation of pioneers. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The fourth fact is that the United States is a nation of freedom. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The fifth fact is that the United States is a nation of progress. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The sixth fact is that the United States is a nation of peace. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The seventh fact is that the United States is a nation of justice. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The eighth fact is that the United States is a nation of love. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The ninth fact is that the United States is a nation of hope. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The tenth fact is that the United States is a nation of faith. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The eleventh fact is that the United States is a nation of courage. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The twelfth fact is that the United States is a nation of wisdom. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

The thirteenth fact is that the United States is a nation of strength. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony. It is a nation of people who have been able to overcome many difficulties and to build a great nation out of a small colony.

NATIONAL HOME FOR AGED AND INFIRM COLORED PEOPLE.

JANUARY 24, 1898.—Ordered to be printed.

Mr. PERKINS, from the Committee on Education and Labor, submitted the following

REPORT.

[To accompany S. 2821.]

The Committee on Education and Labor, to whom was referred the bill (S. 2821) to provide for a national memorial home for aged and infirm colored people and for the maintenance of the inmates thereof, have had the same under consideration and beg leave to submit the following report:

By this bill it is proposed, for the purpose of establishing a national memorial home for aged and infirm colored people, to make use of a sum of money now lying in the Treasury of the United States which is due the estates of deceased colored soldiers. This sum is that remaining from the moneys certified to be due to colored soldiers and which has not been paid out because of the lack of properly certified claims against it. The law governing the proper adjudication of these claims requires that the heirs of the deceased soldier must prove their lawful marriage relation by record evidence, and that to be certified to by a notary public or clerk of the court in the several States. No marriage record of slaves was, however, kept, and in a great many instances the requisite proof can not be made, and the money claimed can not, in consequence, be paid out to individual claimants. What the sum unproven and unclaimed will finally amount to it is at present impossible to tell, but according to the report of the Second Auditor of the Treasury to the Secretary of the Treasury, July 27, 1894, there at that time remained unclaimed \$230,018.84. Owing to the impossibility of making the required proof, it is probable that by far the greater part of this amount will never be paid out to heirs of deceased colored soldiers.

It is this money that will never be paid out in the manner originally designed that it is proposed to appropriate for the establishment of a national memorial home for aged and infirm colored people. The money clearly belongs to the colored people, and numerous requests have been made that it be used for the benefit of their race. One of these requests

is indicated in the bill now under consideration. The institution in whose aid the appropriation is requested is proposed by a number of colored men of the District of Columbia, who have formed a corporation to carry out the plan. By private subscription they have acquired a tract of land sufficient to erect a suitable building, and now ask Congress to transfer to them a portion of the unclaimed money in the United States Treasury which equitably belongs to the colored people, to assist them in their very laudable work.

It does not appear to the committee that there can be just or reasonable ground for objection to the use of the money appropriated in the bill for the purpose indicated when proper safeguards for its expenditure and for the protection of the United States Treasury are provided.

Your committee would therefore recommend that, for the purpose of fixing a limit beyond which no claims can be brought against the fund, there be inserted in section 3, line 11, after the word "claims," the following words: "which shall be presented before January first, eighteen hundred and ninety-nine, all claims which shall be presented after that date being hereby barred."

Thus amended, the committee respectfully recommend that the bill be passed.



AIDING CERTAIN STATES TO SUPPORT SCHOOLS OF MINES.

JANUARY 24, 1898.—Ordered to be printed.

Mr. PETTIGREW, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 2911.]

The Committee on Public Lands, to whom was referred the bill (S. 2911) to aid the public-land States to support schools of mines, have considered the same, and make the following report:

This committee had under consideration January 14, 1896, H. R. No. 3558, which, as amended by the committee and reported January 15, 1896, is identical with S. 790, herein referred to. We therefore recommend its passage, for the reasons given in the report (No. 50) on said H. R. 3558, to wit:

We would respectfully recommend the passage of said bill as amended, for the reason that it will aid in the establishment of institutions of learning in the mineral-land States, where the sciences of chemistry, metallurgy, mineralogy, geology, mining, and mining engineering, and other allied subjects can be taught. In the opinion of your committee, it is especially important to do this in the States where mining operations are practically carried on, and where the practical application of this knowledge can be made. The lack of scientific knowledge in the development of our mining resources has been a great hindrance to this industry in the past. While the great universities in the East have taught these allied sciences, nevertheless it has been practically impossible for the youth of the mineral-land States to enjoy these advantages, owing to the great distance these institutions of learning are located from the seat of mining operations.

This bill proposes an expenditure of 25 per cent of the moneys received from the sale of mineral lands in the respective States for the purpose of aiding these institutions, and it is provided therein that such expenditure shall in no case exceed \$12,000 annually; and it is further provided that the several States receiving this expenditure shall also expend a like amount in aid of these institutions. Students coming from other States are given the same privileges in these schools which are accorded to residents of the respective States where they may be located. The advantages of these schools will therefore extend to all students, regardless of the States they may come from, who may desire to pursue the study of these sciences.

Your committee is of the opinion that it is to the interest of the entire country that such institutions be encouraged, to the end that it may bring about a more intelligent effort in the development of the vast mineral resources of the United States.

Your committee therefore unanimously recommend that the bill do pass.

THE JOURNAL OF THE ROYAL ANTHROPOLOGICAL INSTITUTE OF GREAT BRITAIN AND IRELAND

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BLANCHE T. HUNTON.

JANUARY 24, 1898.—Ordered to be printed.

Mr. HANSBROUGH, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 2785.]

The Committee on Public Lands, having had under consideration Senate bill 2785, respectfully report the same back with amendments as follows:

Strike out all the preamble.

Strike out, in line 4 of the bill, the words "the said described tract, to wit."

Insert in line 6, after the word "west," the words "in Laramie County, State of Wyoming."

In line 7 strike out the word "said."

In line 8 strike out the words "the same being the appraised value thereof"—and recommend that the bill as amended do pass.

On the 28th day of August, 1888, John Hunton was duly appointed by the Secretary of War post trader of the military post situate upon the Fort Laramie Military Reservation, in the county of Laramie, State of Wyoming, and thereupon at once entered upon the discharge of his duties as such post trader and purchased the buildings and stock of goods owned by his predecessor, paying therefor the sum of \$3,500 for the buildings and the sum of \$4,500 for the stock of goods.

In the month of September, 1889, the said military post of Fort Laramie was ordered abandoned, and thereafter, on the 9th day of April, 1890, all the buildings situate on said reservation and belonging to the post, excepting only one set of quarters, were sold by the United States at public auction, and said post thereupon abandoned as a military station.

Blanche T. Hunton, wife of John Hunton, is now the bona fide owner of six valuable buildings, formerly a part of said post, all of which are situate on the northeast quarter of the northeast quarter of section 29, township 26 north, of range 64 west, in Laramie County, State of Wyoming, which said described lands are a part of the public domain of the United States, four of said buildings being constructed of con-

crete and adobes, and hence can not be removed without their practical destruction.

No other person or persons, save and excepting the said Blanche T. Hunton, own any buildings or other improvement situate and located upon the said described tract of land.

On the 23d day of February, 1892, John Hunton, the husband of the said Blanche T. Hunton, was duly appointed custodian of the Fort Laramie abandoned military reservation upon condition that he would serve without pay or emolument, and continuously since the said last date up to the present time has served as such custodian, rendering valuable service to the United States in caring for, repairing, and protecting the property of the United States, particularly a large iron bridge across the North Platte River, situate about a mile east of the above-described tract of land, and has rendered such service without pay or emolument, and without making any demand.

The said Fort Laramie abandoned military reservation has been appraised with the view of offering it for sale at public auction, the appraised price being \$1.25 per acre.

The bill as amended will read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to sell the northeast quarter of the northeast quarter of section numbered twenty-nine, township twenty-six north, of range sixty-four west, in Laramie County, State of Wyoming, to Blanche T. Hunton for the sum of one dollar and twenty-five cents per acre.

HEIRS OF PERSONS KILLED BY EXPLOSION AT TORPEDO
STATION, NEWPORT, R. I.

JANUARY 24, 1898.—Ordered to be printed.

MR. CHANDLER, from the Committee on Naval Affairs, submitted the
following

REPORT.

[To accompany S. 106.]

The Committee on Naval Affairs, to whom was referred the bill (S.106) entitled "A bill for the relief of the heirs and legal representatives of those who were killed by the explosion of the gun-cotton factory at the United States torpedo station at Newport, Rhode Island," having had the same under consideration, report it back favorably and recommend its passage.

A similar bill in the House of Representatives was favorably reported in the first session of the Fifty-fourth Congress. The report submitted at that time is attached hereto.

House Report No. 1819, Fifty-fourth Congress, first session.

The Committee on Claims, to whom was referred the bill (H. R. 7109) for the relief of the heirs and legal representatives of those persons who were killed by the explosion of the gun-cotton factory at the United States torpedo station at Newport, R. I., have considered the same, and beg leave to submit the following report:

The Chief of the Bureau of Ordnance, Navy Department, in his report for 1893, on page 14, says:

On July 3, 1893, the gun-cotton factory (at the naval torpedo station) was destroyed by fire, a full statement of which will be found in the report of the board appointed to investigate the subject (see appendix). Three employees, Jeremiah Harrington, first-class laborer; Frank Loughlin, second-class pipe fitter, and Michael O'Reagan, first-class laborer, lost their lives while fighting this fire, and it is earnestly requested that Congress be asked to grant assistance to their families. The employees of this station receive no extra compensation for the undoubted risk to which they are subjected. The fact that so few lives have been lost since the establishment of this station is due to the care which has been constantly exercised.

On page 37 of same report the inspector of ordnance at the torpedo station says:

The destruction of the gun-cotton factory by fire, attended by loss of life, on July 3, 1893, has been made the subject of special reports to the Department and the Bureau. While the direct testimony in regard to the cause is conflicting and unsatisfactory, the opinion of the board that it was due to a spark caused by a foreign substance in the picker is concurred in by me as being the most probable.

The immediate cause of loss of life was the explosion of some 6 or 7 pounds of dry long-staple gun cotton, used for priming detonators, etc., which was loosely stowed in a powder tank, the lid of which was tightly screwed down to exclude moisture.

The special reports of the board appointed to investigate the circumstances attending the fire and explosion are attached to this report as an appendix.

To accompany the fourth indorsement, Commander George A. Converse, inspector of ordnance at the United States torpedo station, submits the following memorandum:

1. Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan lost their lives while endeavoring to extinguish the fire which resulted in the total destruction of the gun-cotton factory at this station July 3, 1893.

2. Loughlin and Harrington were regularly employed in the building, knew the character of its contents and the danger to which they were exposed; while O'Reagan, a most faithful employee of the station for about eleven years, as enlisted man and per diem laborer, was one of the first to respond to the fire alarm and joined the other two men.

3. Loughlin, who had been acting as foreman of the gun-cotton factory, knew that the only dangerous material in the building (about 7 pounds of long-staple gun cotton) was stowed in a powder tank, which, on the first alarm of fire, should have been thrown into the sea; and doubtless being cognizant of the fact that such disposition of that material had not been made, took the nozzle of the fire hose, and, with Harrington and O'Reagan, attempted to combat the fire in its immediate vicinity, fully aware of the dangerous nature of the undertaking. While thus engaged in the performance of what they believed to be their duty the explosion occurred, resulting in the death of the three men.

4. From my personal observation of the conduct of these men at the time of the explosion, I can state that they acted with great bravery, and sacrificed their lives in an attempt to prevent the destruction of Government property.

5. I renew my recommendation that provision should be made for the widows, children, or legal representatives of these men, believing that all civilians actually employed in the manufacture of explosives or war material in Government factories should be entitled to the same consideration as persons who are required to use such material in the naval or military service.

6. I believe that it is customary for private companies engaged in the manufacture of explosive material to insure the lives of the employees for the benefit of the surviving relatives; and it seems but just that an equal provision should be made by the Government.

7. A copy of the letter referred to by Mr. Bull is transmitted herewith, and attention is invited to the report of the Chief of the Bureau of Ordnance for the year 1893, which contains the recommendation that Congress be asked to render assistance to the families of these men.

GEORGE A. CONVERSE,
Commander, U. S. N., Inspector of Ordnance, Torpedo Station.

TORPEDO STATION,
Newport, R. I., February 7, 1896.

The letter mentioned in the last paragraph of the foregoing memorandum is as follows:

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, July 5, 1893.

SIR: Please convey to the families of those men who were killed at the fire at the gun-cotton factory the deep sympathy of the Honorable Secretary of the Navy, and his profound sorrow at their loss.

The Bureau will make every effort to secure for them some compensation for the dependent condition in which they have been placed.

Respectfully,

W. T. SAMPSON,
Chief of Bureau of Ordnance.

Commander G. A. CONVERSE, U. S. N.,
Inspector of Ordnance, in charge Naval Torpedo Station, Newport, R. I.

In a letter from Hon. Hilary A. Herbert, Secretary of the Navy, dated March 13, 1896, and addressed to the Hon. Melville Bull, House of Representatives, the Secretary says:

It appears that upon the occasion of the fire at the torpedo station on July 3, 1893, Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan lost their lives while engaged in the performance of duties which were of an extremely hazardous nature. The families of the deceased persons have the deep sympathy of the Department.

From the evidence on file before your committee, consisting chiefly of the official reports hereto appended, and the testimony taken before a coroner's jury of inquest held on July 6, 1893, a great deal of which is conflicting, due perhaps to the excitement attending the fire which spread with such great rapidity as to soon get beyond the control of the men who were fighting it, enough is gleaned to establish the following facts:

(1) That the gun-cotton factory at the United States torpedo station at Newport, R. I., was destroyed by fire on July 3, 1893, the origin of which is in doubt.

(2) That during the progress of the fire a tank containing about 7 pounds of dry, long-staple gun cotton exploded.

(3) That Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan, mechanics in the employ of the Government at said station, were almost instantly killed by said explosion while in the discharge of their duty.

(4) That the facilities for combating a fire on ordinary occasions were adequate, but on the day of the fire in question the indoor facilities, as shown in the testimony of Commander Belknap before the coroner's jury, were not utilized because "the factory was not working, as the next day was the Fourth of July. The pump was not going."

(5) That the rules for the conduct of fires at the torpedo station and at the gun-cotton factory were regarded by some and disregarded by others; the fact of the suspension of work in the factory on that day and the pumps being idle no doubt causing confusion and misunderstanding, some being under the impression that the water was turned on to flood the building, while others said that it was not. In the excitement every man seems to have done what he thought was best.

(6) That the fire and the explosion were not due to carelessness on the part of anyone, but was an unfortunate occurrence, likely to happen at any time among combustible material and explosives.

(7) That in obedience to clause 7 of the rules for conduct of fire at the gun-cotton factory, that "personal safety or consideration will be disregarded until the authority present consents," Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan met death in their heroic and unselfish efforts to protect Government property.

Your committee, in view of the foregoing facts and also in view of the recommendations of the officers of the Navy Department, especially of Commander Converse, who was an eyewitness of the sacrifice that these men made, and who commends in strong words their unflinching loyalty to duty and their bravery, report the accompanying bill for the relief of the widows and fatherless children of these brave men back to the House with the recommendation that it be amended as hereinafter indicated and, as amended, it do pass.

The bill provides for an appropriation of \$24,000, to be divided equally among the heirs and legal representatives of the deceased, which would give \$8,000 to each. Following the precedent set in the case of the Ford Theater disaster, which was of more recent occurrence, and because it happened almost before the eyes of Congress, justice was promptly granted, and not long delayed as in this case, your committee recommend that the words "twenty-four thousand," in line 11, be stricken out and the words "fifteen thousand" be inserted; and in line 13 strike out the word "eight" and insert "five." With these amendments the bill will conform to the provision in the sundry civil appropriation bill, approved March 2, 1895, granting relief to the relatives of the Ford Theater victims.

APPENDIX.

NAVAL TORPEDO STATION,
Newport, R. I., July 14, 1893.

SIR: (1) In obedience to your order of the 10th instant, the original of which is appended (marked A), we have investigated the circumstances attending the destruction of the gun-cotton factory at this station on the 3d of July, instant, and have the honor to report as follows:

ORIGIN OF FIRE.

(2) The fire appears to have originated in or near the "picked-cotton room" S (on plan of factory appended, marked B), at about 1.35 p. m., July 3. The picking

machine 36 was in operation, and was tended by Dennis Mahan, first-class laborer. His station was in the "picking room" T. At the time mentioned, he heard a noise or concussion, as of a door flying open and striking something soft, in the direction of the corridor between S and P. He supposed the door between S and the corridor had been blown open by the draft from the picker. It was held by a button, which sometimes worked loose. He looked into the corridor; the door was closed, but a fire had broken out in a quantity of English bleached cotton stowed against the partition separating the corridor from the room P. The upper half of the door between S and the corridor consisted of a frame covered with wire netting. Mahan could not account for the noise he heard, and had no idea of the cause of the fire. He did not know whether there was any fire in the room S; he thought not, but could not tell. He would have known if anything metallic had passed through the picker. He thought nothing had. There has been an occasion when an iron cotton hook was found in room S, and its presence there could not be accounted for unless it had passed through the picker. Such passage, however, had not been noticed. He shouted fire, alarmed the other workmen, ran for fire buckets in room U, but found them empty; then got out of the building. He returned later and helped pass out wet gun cotton from room J. He knew of a tank containing about 7 pounds of dry, long-staple gun cotton, which was in room O, but knew of no order to throw it out in case of fire. He knew of the fire hose and pump having been tested on the 1st instant. He did not know whether the sprinklers had been turned on. There were seven or eight powder tanks, closed air-tight, and containing dry, picked cotton ready for dipping in room O.

(3) Lauritz Julienssen, first-class laborer, was picking raw cotton by hand in room V. He heard Mahan call "Fire!" and rushed through the central corridor to tell Harrington, who was attending the poacher S. He did not see the flames at this time; did not know of the tank of dry gun cotton in room O, or of any order to throw it out. After first leaving the building, he returned and helped throw out wet gun cotton from room J.

(4) Jeremiah Harrington, first-class laborer, foreman of the factory, and Frank Loughlin, second-class pipe fitter, assistant foreman, and engineer, went to the north end at the alarm, and after seeing the flames appear to have left the building immediately. They both reached the machine-shop building to report to Lieutenant-Commander Belknap about the time the alarm was sounded. Harrington reported that the fire was caused by spontaneous combustion of the English cotton. Mr. Belknap asked them if water had been turned on, to which they replied no. Later, Harrington made the same report as to the origin of the fire to the inspector of ordnance in charge.

(5) There is no other direct evidence as to the cause and origin of the fire. The board, after careful consideration, accept the opinion of Lieutenant-Commander Belknap, superintendent of the gun-cotton factory, expressed in his report of the 10th instant to the inspector of ordnance in charge, a copy of which is appended, marked C. It is extremely improbable that thoroughly clean, dry cotton could develop spontaneous combustion. The board is therefore of the opinion that the fire originated in a spark from the picker, caused by the teeth striking a foreign substance accidentally fed in with the cotton. It has been the custom to take every reasonable precaution against such an occurrence. All the cotton fed to the picker was first hand picked in room V to free it from foreign substances. A fire in room S would undoubtedly communicate itself to the cotton in the corridor through the wire netting of the door in a very short time. Mahan's idea that the fire originated where he first saw it was natural, but does not impair the other view. He could not have told at the time whether there was fire in room S or not.

FIRE STATIONS.

(6) Appended to this report are D, the general fire bill; E, rules for the gun-cotton factory; and F, rules for conduct of crew at gun-cotton factory in case of fire; copies of all of which are posted in the factory, and the crew instructed in their provisions. The last exercise at fire stations was held on the 1st instant. The foreman and his assistant were specially instructed in all the requirements; but ordinarily the laborers, who were subject to change from time to time, were given simple duties only, to avoid confusion. They were directed to give the alarm, and then lead out the nearest hose. The foreman and his assistant had been repeatedly instructed in the case of fire to throw out a labeled tank of long-staple dry gun cotton, kept near the northern window of room O, and used for igniters and vent sealing primers.

(7) All the statements point to the fact that the crew were demoralized by the suddenness of the fire and its rapid spreading and left the building at once. No alarm was turned in from the factory, though there were push buttons at three different points; the salt-water pump was not started; the hose was not led out; and the sprinklers connected with the stand pipe were not turned on. These facts are demonstrated by an inspection of the valves and fittings since the fire. Mahan states

that he went for fire buckets in room U, but found them empty. The weight of evidence indicates that he got out of the building without stopping for anything.

No filled buckets were kept in the north end of the building. In the south end there were buckets for use in the cooling room. A fire hose was bighted down near the cock 42 in the north end of the main hall, and another near 43 in the central part of the building, both of which would have reached the seat of the fire. No. 44 was another cock with hose attached in the south end, and 45 was the valve for admitting steam to the salt-water pump in the room below. The sprinklers were in the final drying room R.

THE EXPLOSION.

(8) This occurred in room O, blowing the side of the building out to the east and northeast. From an inspection of the ruins and the statements of witnesses, it seems evident that the source of the explosion was the tank containing six or seven pounds of long-staple dry gun cotton. This was closed air-tight, which, with the heat from the flames, furnished the necessary conditions to produce a second-order explosion of dry gun cotton. All the results bear this out. The explosion was accompanied by a dull, heavy report, differing distinctly from the sharp ringing crack of a detonation, or explosion of the first order. The effects were wide-spread, rather than local, a considerable portion of the wall of the building being blown out, and the roof over the seat of the explosion being lifted bodily. Although débris was thrown out laterally with violence, there was none of the vertical effect attendant on the detonation of gun cotton under timbers. An examination of the ruins showed boarding, joists, and floor timbers wrenched and splintered, but none were found with the clean cuts across grain, which a detonation would have produced. The pieces of copper tanks found, though badly torn, did not exhibit the peculiar erosion usually attending detonation. The tanks which contained dry raw cotton for dipping show evidence of fusion or perforation from the outside. This is conclusive that their contents had no part in the explosion. The location of the explosion, the point also where the tank of dry gun cotton was known to stand, is clearly indicated by the clean, bare appearance of the earth for a distance of several feet. Elsewhere the surface is covered with cinders and débris.

CONDUCT OF THE FIRE.

(9) The first alarm was given by Printer Dunphy, who saw the smoke and flames from the printing room in the machine-shop building. Harrington and Loughlin arrived in the building almost immediately after to report to Lieutenant-Commander Belknap. The general alarm was sounded at once, and the reel and ladders were promptly on the scene. The first two hoses were attached to the fire plug marked 1 on the plan G, appended. One was carried to the north end of the building, the other to the central door. The flames had now got too much headway to be controlled. The inspector of ordnance in charge ordered that the north end be abandoned and all streams concentrated on the wet gun cotton in the middle and south end of the building. Another hose was coupled to the plug marked 2 and led to the central door. The order to abandon the north end was repeated by Lieutenant-Commander Belknap, but before it could be obeyed the explosion occurred. This must have been about 1.50 p. m. The men killed and injured were on the hose near room O, and were close to, or had just broken in, the window to thrust in the nozzle. After the explosion all streams were directed on the central part of the building to keep the finished gun cotton wet, the nozzlemen lying below the bank. Some of the wet gun cotton, about 800 pounds, had been passed out from the building. The remainder, about 2,700 pounds, with the exception of portions of several boxes, was consumed without explosion. The unconsumed blocks remained in the ruins, burned to different stages, many of them intact. The packing boxes were burned and charred to various degrees. The duration of the fire from its discovery to the destruction of the building was approximately one hour.

The appliances for fire, both in the factory and at the station, were ample for all ordinary contingencies. Had the directions as to extinguishing apparatus and the throwing out of dry gun cotton been observed by the crew at the factory at the first alarm, the fire, though probably too extensive to be at once extinguished, might have been confined to the northern end of the building, and there would have been no explosion and no loss of life.

(10) The usual personnel of the station were present at the time of the fire, with the exception of the crew of the *Stiletto* and Lieutenant-Commander Kennedy, Lieutenant Holman, and Lieutenant Smith, who were all absent on duty. Commander Converse directed the work of combating the fire from the bank opposite the center of the building, in about the position marked W in the plan G. Lieutenant-Commander Belknap was on the bank near fire plug 1, and Ensign Capehart, at the time of the explosion, was on the edge of the bank near room O, at the position X. The

men killed or injured were all on or near the hose whose stream was being directed toward room O. Harrington, Loughlin, Reagan, and Burns were at the nozzles, close to the east side of room O. According to Burns's statement, Loughlin seemed specially anxious to get the stream into room O. Harrington had been away to get a ladder, and had just joined the others.

(11) The complete list of killed and wounded is as follows:

Killed.—Jeremiah Harrington, first-class laborer; Frank Loughlin, second-class pipe fitter; Michael Reagan, first-class laborer.

Injured.—E. E. Capehart, ensign; Daniel Burns, quartermaster, third-class; L. J. G. Kuhlwein, seaman; P. Nilsson, landsman; Ky. Kennel, third-class laborer; L. Julienssen, first-class laborer; J. A. Dunphy, first-class printer; M. F. O'Sullivan, first-class blacksmith; George A. Brown, first-class joiner; James Marren, first-class laborer.

(12) After the alarm was given every possible effort was made by the whole personnel to subdue the flames. The conduct of most of the men erred on the side of daring. The greatest difficulty was experienced in keeping them back out of danger.

(13) Appended to this report are twelve photographs of the ruins as they appeared on the 6th instant:

1. General view from northeast.
 2. General view from north.
 3. General view from southeast.
 4. General view from south.
 5. View of northeast corner of room O, showing ground bared by force of explosion, and remains of powder tanks in which dry raw cotton was kept.
 6. Center and north end from east.
 7. Doorway in center of building, showing remains of wet gun cotton.
 8. Center of building from north end, showing remains of wet gun cotton.
 9. South end from southeast.
 10. Basement door at south end.
 11. Smokeless powder mixing house, distant 40 feet from point of explosion and in face of room M.
 12. Remains of wet gun cotton gathered from ruins.
- Respectfully submitted.

DUNCAN KENNEDY,
Lieutenant, United States Navy.
GEORGE F. W. HOLMAN,
Lieutenant, United States Navy.
R. C. SMITH,
Lieutenant, United States Navy.

Commander G. A. CONVERSE, U. S. N.,
Inspector of Ordnance, in Charge.

[Indorsement.]

TORPEDO STATION,
Newport, R. I., July 20, 1893.

The foregoing report is approved. The opinion of the board that a spark from the picker produced by the presence of a foreign substance in the cotton with which it was being fed is accepted by me as the most probable cause of the fire.

G. A. CONVERSE,
Commander, U. S. N., Inspector of Ordnance, in Charge.

A.

NAVAL TORPEDO STATION,
Newport, R. I., July 10, 1893.

GENTLEMEN: (1) You are hereby appointed a board of investigation to inquire into circumstances attending the destruction of the gun-cotton factory at this station on the afternoon of the 3d of July, instant.

(2) You will make your report in accordance with the requirements of article 1720 of the United States Navy Regulations, 1893.

(3) It is desired that in your investigation particular attention be given to ascertaining, if possible, the immediate cause of the fire, concerning which great doubt exists.

Respectfully,

G. A. CONVERSE,
Commander, U. S. N., Inspector of Ordnance, in Charge.

Lieut. DUNCAN KENNEDY, U. S. N.
Lieut. G. F. W. HOLMAN, U. S. N.
Lieut. ROY C. SMITH, U. S. N.

C.

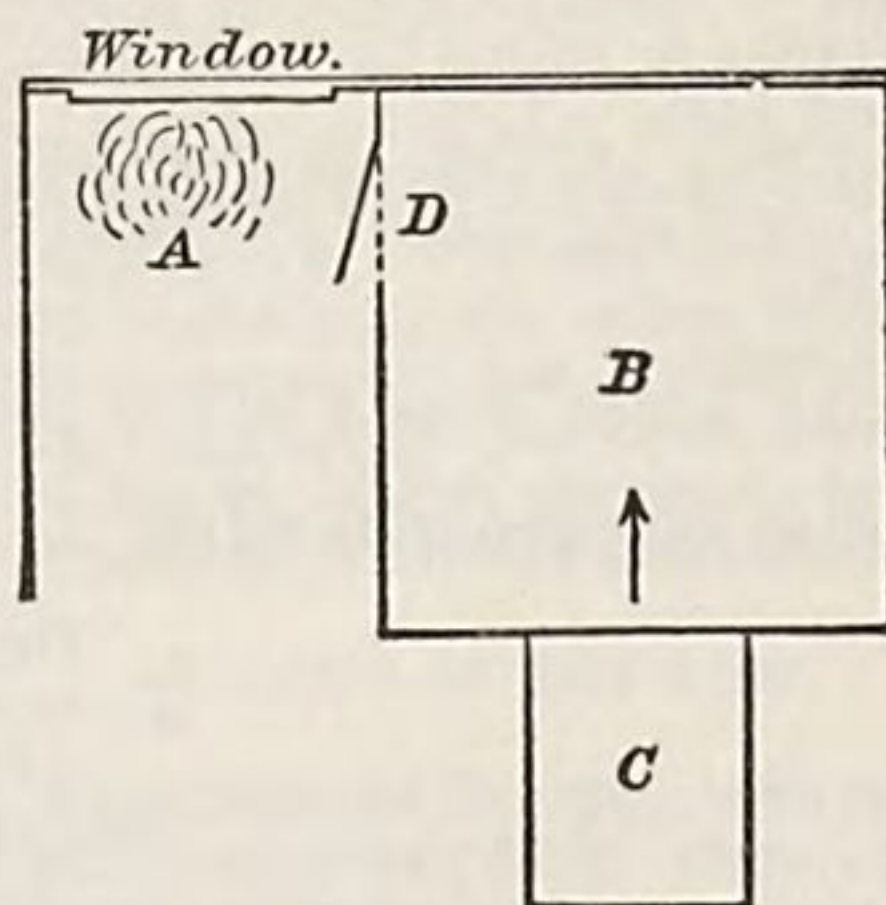
NAVAL TORPEDO STATION,
Newport, R. I., July 16, 1893.

SIR: (1) I beg leave to make the following report concerning the recent fire in the gun cotton factory, covering points upon which information is desired by the board of investigation:

AS TO THE CAUSE OF THE FIRE.

(2) The fire was discovered by an employee named D. Mahan, who was at the time running the picker. He states that he heard a noise like the slamming of a door of the room into which the picker fed, and, stepping aside to see if the door was open, saw flames issuing from a pile of cotton just outside the door, which was shut.

(3) When the picker was in use it made a strong draft of air, which carried the light, fluffy particles of the picked cotton to the extreme end of the room (B) and through the large meshes of the wire screen which was let into the upper part of the door (D). After running the picker it was customary to collect these fluffy particles to use around the factory, as they were not suitable for dipping. Sometimes when the picker was running the button which held the door would work loose, and the door, forced by the draft, would fly back with a bang against the side of the building, and Mahan thought that this caused the noise he heard.



C. Picker.
B. Room into which picker fed.
A. Where Mahan saw fire.

(4) I believe, however, that a spark caused by the picker striking in its revolutions a piece of metal or gravel ignited the dust in the room; that the dust burned with a light explosive force, making the noise Mahan heard, and that particles of the fluffy cotton were blown through the meshes of the door, setting fire to the pile on the outside. It is extremely probable that the cotton inside the room was also burning.

(5) All of the cotton waste in the part of the factory where the fire originated was clean, dry, and free from oil or other extraneous matter. The pile of cotton outside the door was composed of bleached waste and fluffy particles of cop waste. The bleached waste was some left over from that used in making gun-cotton charge No. 173; it was received in bales over a year ago and found to be very clean, absorbent, and in hot weather remarkably free from firing in the process of dipping.

NAMES AND DUTIES OF EMPLOYEES.

(6) The regular force employed in the gun-cotton factory numbered five men, but, as work had only just been resumed after a shut down of some six weeks while repairs were made to the pulper, a vacancy that had occurred had not been filled, and four men only were at work at the time of the fire, engaged in running the pulper, picker, and final drier. They were J. Harrington, foreman; F. Loughlin, assistant foreman and engineer; and D. Mahan and L. Julienssen, first-class laborers. The first two mentioned had had long experience in the work of the factory, and were fully competent either to take part in or to direct the performance of any one of the processes. Harrington was made foreman in December, 1891; Julienssen was a new hand on trial.

(7) Upon the alarm of fire the duties were as follows: Harrington, in general charge, was to look after the northern half of the building, and he was specially charged, after sounding the alarm, to throw the tank of long-staple gun cotton out

of the building, to turn on the sprinklers in the final drying room, and to see the fire hose led out and started. Loughlin was to look after the south end, to start the salt-water pump if it was not running, and to see that the fire hose in the center and south end were led out and started. The other hands were to lead out the hose near to which they happened to be working; in the event of fire making headway all were to pass out boxes of gun cotton (compressed). The fire apparatus was tested the 1st instant, and found to be in good working order; the fire hose and nozzles were always kept coupled and ready for instant use; the directions for fire could have been carried out under any circumstances in two or three minutes, yet when the fire broke out all hands seem to have precipitately abandoned the building, Harrington and Loughlin both coming over to the machine shop to notify me.

LOCALITY OF THE TANK CONTAINING LONG-STAPLE COTTON.

(8) There were some 6 or 7 pounds of long-staple gun cotton, made about a year ago for use in igniters and vent-sealing primers, stored loosely packed in an empty powder tank. This was kept adjacent to the north window in the room, between the engine and final press, used for the storage of the tanks containing the cotton ready for nitration. It was plainly marked, and both Harrington and Loughlin had been repeatedly cautioned by me as to the disposition to be made of it in case of fire, and it would almost seem as if they had recollected and were endeavoring to get it out when they were killed, for, instead of going down into the ditch, as I had ordered when directed by the inspector to concentrate all water on the boxes of wet gun cotton, they dragged the hose back from the north end of the factory, carried the nozzle to the window of the storage room and thrust it in. The explosion took place very shortly afterwards.

Very respectfully,

CHAS. BELKNAP,
Lieutenant-Commander, United States Navy.

Commander G. A. CONVERSE, U. S. N.,
Inspector, in Charge.

Referred to the "board of investigation," of which Lieutenant Kennedy is senior member.

G. A. CONVERSE,
Commander, U. S. N., Commanding Torpedo Station.

Received July 11, 1893.

DUNCAN KENNEDY,
Lieutenant, U. S. N., Senior Member of Board.

Respectfully returned. Copy appended to the report of the board.

DUNCAN KENNEDY,
Lieutenant, U. S. N., Senior Member of Board.

D.

FIRE BILL.

The fire alarm will be a continuous ringing of the electric fire-alarm bell for the space of one minute. This will be followed by the steam whistles of the machine shop, ferry launch, and all boats under steam, sounding the general alarm, thus: — — — — — thrice repeated. The general signal will be followed by the signal denoting the fire district, as given below.

The island is divided into three districts for the purpose of locating the fire.

First district.—All that part of the island north of a line joining the northeast corner of the gun-cotton factory and the southeast corner of the machine shop. Whistle signal, — — — — —.

Second district.—All that part of the island lying between the above-mentioned line and a line running east and west at south end of the inspector's quarters. Whistle signal, — — — — —.

Third district.—All that part of the island south of the last-mentioned line. Whistle signal, — — — — —.

On the alarm being sounded all the officers of the station will go to the district in which the fire is.

In the event of the fire taking place at or near the wharves, or on board any of the boats belonging to the station, the ferry launch will immediately spread fires and stand by to tow other boats out of danger.

On the first alarm being sounded all enlisted men will go to their stations, as given below. A repetition of the alarm will call all the mechanics to the scene of the fire,

except those at the gun-cotton factory, who will lead out their hose and protect that building and the magazines in the vicinity.

STATIONS.—*In charge*: Senior officer present. *Boilers*: Fireman on duty. *Steam pump*: Foreman of machine shop, *Triana's* machinist; at night, night watchman. *Hydrant and hose reel*: Assistant in charge of torpedo work; hydrant, mate in charge of grounds; at night, quartermaster, hose reel, crew of *Fortune*. *Hook and ladder, wreckers*: The electrician, seamen under instruction.

T. F. JEWELL,
Commander, U. S. N., Inspector of Ordnance, in Charge.

E.

RULES FOR THE GUN-COTTON FACTORY.

(1) No person not specially employed there is to enter the gun-cotton factory unless accompanied by an officer.

(2) Mechanics engaged in repairs to the machinery and plant shall notify the foreman before going to work. The foreman shall see that all gun-cotton dust is removed from the locality before such work is begun; and he shall see that all waste, shavings, chips, and other refuse material and tools are removed from the building after the completion of the job.

(3) All soiled waste and refuse material of every kind must be placed in the crocks provided for the purpose and not dropped on the floors.

(4) The pulper, poachers, molding press, and surrounding areas spattered with gun-cotton pulp are to be washed down with the hose after the completion of the process for each charge; and particular care must be taken to prevent accumulation of refuse cotton waste or of gun-cotton pulp or dust in any part of the building.

(5) Pressed blocks are to be soaked as soon as practicable after stowing in boxes, and no dry gun cotton is to be stored in the factory except such samples as may be in the office.

(6) All caustic soda is to be kept in the cellar, and in weighing care must be taken that no particles adhere to the scales.

(7) Smoking is absolutely prohibited. No friction matches or other means of obtaining ignition are allowed in the factory.

(8) No lights other than the electric lights are permitted in the factory without the knowledge of the superintendent.

(9) The valves of the fire system of pipes are to be tested on the 1st and 15th of every month (when Sunday, the preceding day), and the fire axes to be overhauled and freed from rust at the same time, and entry made in the journal of the condition of the fire apparatus.

(10) The steam fire pump is to be left in working order every night; the fire buckets are always to be kept filled with water, and the fire hose is to be kept coupled to the fire plugs and bighted down ready for use at a moment's notice.

(11) All windows and outside doors are to be fastened every night.

(12) Inside doors between the different parts of the building and, when there is any cotton in the pots, the roof windows of the dipping room are to be closed at night.

(13) In freezing weather all water pipes are to be bled each evening.

(14) Steam must be shut off the building completely every evening, except in freezing weather.

(15) Working clothes are to be hung in the place provided for them.

(16) The foreman is to inspect each evening before leaving, and to see that the factory is thoroughly cleaned up each Saturday afternoon. He is to see that the foregoing regulations are observed and to report any violation of them. Any infraction of the rules is sufficient ground for dismissal from employment.

THEO. F. JEWELL,
Commander, U. S. N., Inspector of Ordnance, in Charge.

TORPEDO STATION,
July 1, 1892.

F.

RULES FOR CONDUCT OF CREW AT GUN-COTTON FACTORY IN CASE OF FIRE.

(1) The efficiency of the electric fire alarm in the gun-cotton factory, also that between the gun-cotton factory and machine shop, and the efficiency of all fire-extinguishing apparatus in the building, will be tested by the foreman every morning, and their condition reported to the superintendent.

(2) Any person discovering fire will sound the nearest alarm and then promptly do everything in his power to extinguish it.

(3) Upon the alarm of fire the foreman will promptly go to its scene, take charge, in absence of the superintendent, and see that all the resources of the factory are employed well and effectively to extinguish it.

(4) Upon the alarm of fire the engineer will stop the engine, start the donkey pump, turn off the dry rooms and boiling tubs, and if the fire is in the middle or north end of the building he will turn the water on the dry rooms; he will then go to the salt-water pump, taking charge of it, under the foreman, starting it, if not started, and turning the water on the fire line, doing his utmost to extinguish the fire.

(5) Upon the alarm of fire the person nearest the salt-water pump will start it and turn water on the fire lines; then, utilizing the nearest hose and fire buckets, will do his utmost to extinguish the fire.

(6) Upon the alarm of fire everyone will drop his work, leaving everything as safe as possible, and bring the nearest hose and fire buckets to bear effectively on the fire.

(7) Order and quiet will be preserved and the orders of the foreman promptly obeyed. Personal safety or consideration will be disregarded until the authority present consents.

(8) During the day, and under steam, the salt-water and donkey pumps must be kept charged.

(9) If the fire is at all serious, sound the machine-shop fire alarm.

(10) In case of serious fire, all gun cotton will be taken out of the building and beyond its reach. Pulp in stuff chest, poachers, and pulper will be run out through sewers.



DISAPPROVAL OF AN ACT OF LEGISLATIVE ASSEMBLY
OF NEW MEXICO.

JANUARY 25, 1898.—Ordered to be printed.

Mr. KYLE, from the Committee on Territories, submitted the following

ADVERSE REPORT.

[To accompany S. 3051.]

The Committee on Territories, to whom was referred the bill (S. 3051) to disapprove an act passed by the legislative assembly of the Territory of New Mexico, approved March 17, 1897, have considered the same, and recommend that action on the bill be indefinitely postponed.



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JAMES A. SOUTHARD.

JANUARY 25, 1898.—Ordered to be printed.

Mr. CANNON, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 726.]

The Committee on Pensions, to whom was referred the bill (S. 726) for the relief of James A. Southard, have examined the same and report:

The bill proposes to pension, according to the degree of his disability, James A. Southard, late of Company K, One hundred and twenty-sixth Ohio Infantry Volunteers.

The facts in the case, as disclosed by the record, are these: The petitioner is a pensioner under the act of June 27, 1890, at \$12 per month, by certificate No. 525177; he applied for pension under the general law August 19, 1879, and said claim was rejected in 1884, after a special examination, upon the ground of insufficient evidence as to the origin in service and line of duty of the alleged piles and rheumatism.

The records of the War Department show that the petitioner enlisted in Company K, One hundred and twenty-sixth Ohio Infantry, August 22, 1862, and was discharged therefrom December 2, 1862, upon surgeon's certificate of disability; that subsequently he served as first lieutenant in Company K, One hundred and fifty-ninth Ohio Infantry, from May, 1864, to August, 1864; no evidence of disability in second service.

The basis of the claim is disability due to piles and rheumatism alleged by the soldier to have been contracted in the first service, from which the record shows him discharged on a surgeon's certificate (signed by his captain and by the surgeon of his regiment), which certificate recites:

Said soldier has been unfit for duty thirty-four days * * * incapable of performing the duties of a soldier because of a general anæmic or broken-down constitution, first having typhoid fever, and the nutritive functions and recuperative powers of the system so far destroyed he will not recover while living in camp. He is on the decline, rather than improving, and is unfit for any duty pertaining to a soldier's life. The disability was contracted after the date of muster.

W. ESTEP,

Surgeon One hundred and twenty-sixth Ohio Infantry.

The claimant has sworn that in the autumn of 1862 he contracted piles and rheumatism, following the attack of fever, and the affidavit

of First Lieutenant (afterwards Captain) Lamb corroborates it; also other testimony; and as to the existence of the alleged disabilities immediately after return from the first service, he has furnished the evidence of neighbors and friends, in addition to that of Dr. Watkins. He has also furnished the affidavits of comrades in the second service, as to existence of the alleged disabilities therein, and, in short, has submitted a strong line of testimony as to the truth of his assertions regarding the origin of the disabilities for which pension is claimed.

In 1881, at the age of 77, Dr. J. A. Watkins (reputation good, personally and professionally) testified as to the prior soundness of the soldier, and that in December, 1862, immediately after his return from the service, he began to treat petitioner for articular rheumatism and piles, and mentions the course of treatment and states as to the inability of the claimant to work at that time. In 1884, at the age of 80 years, he made a deposition before the special examiner in which he alluded to having consulted Dr. Holcombe concerning the case, and as the deposition of the said Dr. Holcombe shows no treatment prior to October, 1865, it is the conclusion of the Pension Bureau that Dr. Watkins did not treat the claimant until that date (October, 1865). The aim of the special examiner appears to have been to prove this point to the exclusion of all others, and his examination seems to have been superficial and unfair. Neither the deposition of Dr. Watkins nor Dr. Holcombe bear any evidence of intelligent cross-examination, and so far as the evidence of Dr. Watkins is concerned it is not unreasonable to assume that the affidavit he gave at the age of 77 is more likely to be accurate than is the deposition made at the age of 80 to one manifestly biased against the claim.

To adopt the view of the Pension Bureau (notwithstanding it was affirmed on appeal by the Secretary of the Interior in 1891) is to assume that although the soldier is shown by the record to have been discharged on certificate of disability December, 1862, that his physical condition *eo instanti* became so perfect that he did not require and did not receive further medical treatment until nearly three years after, though on December 2, 1862, he was a physical wreck and in hospital. It is also to assume that Lieutenant Lamb, comrades Myers and Ackline, Dr. Watkins, and neighbors Kelley and Watkins have testified to matters which are wholly false, and to conclude that the petitioner is a perjurer who has for nearly twenty years persistently urged a fraudulent claim.

A careful consideration of all the papers in the case has forced the committee to adopt the view that the alleged disabilities did originate as claimed; that by good medical treatment and rest a partial recovery was effected, enabling the soldier to again enlist for a short term, and that then a recurrence of said disabilities followed, producing the condition now found and for which the third-grade pension (\$24) has been recommended; and that, therefore, the bill as amended hereby should pass.

Amend by striking out in line 9 all after the word "infantry" and all of line 10, and insert in lieu thereof the words "at the rate of \$24 per month, the same to be in lieu of the pension he is now receiving under the act of June 27, 1890."

MAJ. GEN. ALEXANDER STEWART WEBB.

JANUARY 25, 1898.—Ordered to be printed.

Mr. PROCTOR, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1901.]

The Committee on Military Affairs, to whom was referred the bill (S. 1901) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army, have had the same under consideration, and submit the following favorable report:

Alexander Stewart Webb served as an officer in the United States Army for over fifteen years, from July 1, 1855, to November 25, 1870. It seems scarcely necessary to submit a special report upon the bill, for the service of General Webb was of so conspicuous a nature that it requires little remark. Within six months from his graduation from the United States Military Academy, on July 1, 1855, he was on active military service with his regiment in Florida in quelling the uprisings of the Seminole Indians, there getting a foretaste of the more extensive military operations that were soon to come and in which he was to take so brilliant a part. He was a man of scholarly as well as of military attainments, being assistant professor of mathematics at the United States Military Academy for the three years immediately preceding the civil war, and principal assistant professor of geography, history, and ethics at the Military Academy for several years after the war.

At all times during the war his service was of the most active and valuable nature. He was in the field in Virginia in 1861 and participated successively in seventeen different actions and battles, among which were such important ones as Mechanicsville, Antietam, Chancellorsville, Gettysburg, the Wilderness, and Spottsylvania. The gallantry of his services was not without recognition. For gallant service at Gettysburg he was brevetted major and awarded a medal of honor "for distinguished personal gallantry in the battle of Gettysburg." He was brevetted lieutenant-colonel at the battle of Bristoe Station, colonel for gallant and meritorious service at the battle of Spottsylvania, brigadier-general for gallantry in the campaign ending in the surrender of Gen. R. E. Lee, major-general for gallant and meritorious service during the war, major-general volunteers for gallant and dis-

tinguished conduct at the battles of Gettysburg, Bristoe Station, the Wilderness, and Spottsylvania. At the battles of Gettysburg and Bristoe Station, in the Mine Run campaign, and at the battles of Martins Ford, the Wilderness, and Spottsylvania he was in command, successively, of the Second Brigade of the Second Division of the Second Corps, Second Division of the Second Corps, and First Brigade of the Second Division of the Second Corps.

General Webb's conduct at Gettysburg, July 3, 1863, is particularly worthy of mention. He was in command of the Second Brigade of the Second Division of the Second Corps, and had been with the color-guard of the Seventy-second Pennsylvania Volunteers, of whom every man was wounded or killed. General Webb left the color-guard and went across the front of the companies to the right of the Sixty-ninth Pennsylvania all the way between the lines in order to direct the fire of the latter regiment upon a company of rebels who had rushed across the low stone wall, led by the rebel general Armisted. Thus General Armisted and General Webb were both between the lines of troops and both were wounded, but by this act of gallantry General Webb kept his men up to their work until more than one-half were killed or wounded. In this action he was wounded by a bullet which struck him near the groin. General Meade, in his letter presenting a medal to General Webb, mentions this act as one not surpassed by any general on the field.

General Webb was also more severely wounded at Spottsylvania May 12, 1864, in the head. He served in various positions after the war, as shown by the appended documents, until December 31, 1870, when he was honorably discharged at his own request. He is to-day president of the College of the City of New York, and is ill much of the time from the results of his wounds, and as a consequence will be unable to continue his work. He has no other means of support. The bill was referred to the Secretary of War for remark, who referred it to the Adjutant-General, whose report is herewith printed, and will be seen to be in terms of the highest commendation. It was also referred to the Major-General Commanding the Army, whose report is herewith printed. There is also appended a statement of the military service of General Webb from the records of the Adjutant-General's Office.

This measure was also before the Senate in the Fifty-fourth Congress, during the first session of which your then committee ordered the same favorable report, and the bill was passed by the Senate.

In view of the facts above set forth, and as appearing in the papers herewith printed, your committee recommend the passage of this bill without amendment.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December —, 1895.

Statement of the military service of Alexander S. Webb, late of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy July 1, 1851, to July 1, 1855, when he was graduated and appointed brevet second lieutenant, Fourth Artillery, July 1, 1855; second lieutenant, Second Artillery, October 20, 1855; first lieutenant April 28, 1861; captain, Eleventh Infantry, May 14, 1861; major, First Rhode Island Light Artillery, September 14, 1861; lieutenant-colonel, A. I. G. (by assignment), August 20, 1862; brigadier-general of volunteers June 23, 1863; honorably mustered out of volunteer service January 15, 1866; lieutenant-colonel, Forty-fourth Infantry, July 28, 1866; transferred to Fifth Infantry March 15, 1869; unassigned March 24, 1869.

He received the brevets, of major, July 3, 1863, for gallant and meritorious services at the battle of Gettysburg, Pa.; lieutenant-colonel, October 11, 1863, for gallant and meritorious services at the battle of Bristow Station, Va.; colonel, May 12, 1864, for gallant and meritorious services at the battle of Spottsylvania, Va.; brigadier-general, March 13, 1865, for gallant and meritorious services in the campaign terminating with the surrender of the insurgent army under Gen. R. E. Lee; major-general, March 13, 1865, for gallant and meritorious services during the war, and major-general volunteers, August 1, 1864, for gallant and distinguished conduct at the battles of Gettysburg, Pa., Bristow Station, the Wilderness, and Spottsylvania, Va.

He was awarded a medal of honor "for distinguished personal gallantry in the battle of Gettysburg."

SERVICE.

He was on duty at the Military Academy, July 5 to August 28, 1855.

He joined his regiment January 9, 1856, and served with it in Florida, in operations against hostile Seminole Indians, to November 19, 1856; at Fort Independence, Mass., to July 3, 1857; absent sick to September 20, 1857; with company at Fort Snelling, Minn., to October 31, 1857.

On duty as assistant professor of mathematics at the United States Military Academy, November 10, 1857, to January 7, 1861, and on duty with the West Point Light Battery to April 5, 1861; with battery at Fort Pickens, Fla., to July 4, 1861; in the field in Virginia to August 12, 1861; assistant to chief of artillery, Army of the Potomac, to August 20, 1862; inspector-general and chief of staff of Fifth Army Corps to November, 1862; inspector of artillery, camp of instruction, Camp Barry, D. C., to January 18, 1863; inspector-general Fifth Army Corps to June 26, 1863; commanding Second Brigade, Second Division, Second Corps (temporarily commanding Second Division, Second Corps, August 16 to September 5, 1863), to October 7, 1863; commanding Second Division, Second Corps, to April 5, 1864, and First Brigade, Second Division, Second Corps, until severely wounded at the battle of Spottsylvania, Va., May 12, 1864; absent sick on account of wounds to June 21, 1864; superintendent of recruiting for Second Army Corps, and on court-martial duty in New York City to January, 1865; chief of staff to General Meade, headquarters Army of the Potomac, January 11 to June 28, 1865; acting inspector-general, Division of the Atlantic, July 1, 1865, to February 21, 1866, and on leave of absence to June 13, 1866.

Principal assistant professor of geography, history, and ethics at the Military Academy, July 1, 1866, to October 21, 1868.

He joined his regiment October 24, 1868, and commanded it at Washington, D. C., to March 30, 1869.

At Richmond, Va., commanding First military district, April 2 to 20, 1869, after which latter date he performed no duty, having been, at his own request, left without assignment in the consolidation of infantry regiments.

On November 25, 1870, he requested to be discharged from the military service under the provisions of section 3, act July 15, 1870, to take effect December 31, 1870, and was honorably discharged accordingly.

During his service he participated in the following battles, actions, etc.:

Siege of Yorktown, April and May, 1862; Mechanicsville, May 27, 1862; Hanover C. H., May 27, 1862; Gaines Mill, June 27, 1862; Malvern Hill, July 1, 1862; Antietam, September 17, 1862; Shepherdstown, September 19, 1862; Snickers Gap, November 14, 1862; Chancellorsville, May 2 to 5, 1863; Gettysburg, July 1 to 3, 1863; Bristow Station, October 14, 1863; Mine Run campaign, November 26 to December 2, 1863; Mortons Ford, February 6, 1864; Wilderness, May 5 to 6, 1864; Spottsylvania, May 8 to 12, 1864; siege of Petersburg, January to April, 1865; Hatchers Run, February 5 and 6, 1865.

GEO. D. RUGGLES, *Adjutant-General.*

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 8, 1896.

SIR: I have the honor to return herewith Senate bill No. 1106, providing for the reappointment in the Army and retirement as lieutenant-colonel of Alexander S. Webb, late lieutenant-colonel and brevet major-general, United States Army, which has been referred to the Department by the Senate Committee on Military Affairs for information.

At the close of the war General Webb was transferred to the Forty-fourth Infantry, then known as an invalid regiment, composed of wounded and disabled officers and men. Upon the reduction of the Army in 1869, this regiment was consolidated with the Fifth Infantry, an active regiment. Many of the officers of this regiment were then retired. As General Webb was physically incapacitated for active service on

the plains with the Fifth Infantry, he sought retirement. In this he was unsuccessful. He thereupon resigned, and has since been occupied in civil life.

Could the retiring board have foreseen the effects of the severe wound that he received, there can be no doubt that its verdict would have been that he was incapacitated for active service.

It is held that he was justly entitled to retirement at that time. Had he then been reported incapacitated for active duty, he would have gone on the retired list with the rank and pay of brigadier-general, under the act of July 28, 1866, the actual rank he held and was exercising when wounded.

His appointment and retirement now as a lieutenant-colonel, the rank which he held when discharged from the Army, is recommended as simple justice to a gallant and disabled officer, distinguished at Bristow, in receiving Pickett's charge at Gettysburg, at Spottsylvania, and in the last campaign of the late war. I inclose a summary of his military record.

Very respectfully,

GEO. D. RUGGLES,
Adjutant-General.

The SECRETARY OF WAR.

[Indorsement of Major-General Commanding.]

HEADQUARTERS OF THE ARMY, *Washington, January 20, 1896.*

Respectfully returned to the honorable the Secretary of War, concurring in within report and recommendation of the Adjutant-General.

NELSON A. MILES,
Major-General Commanding.

○

FRANCES E. PEASE.

JANUARY 25, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 668.]

The Committee on Pensions, to whom was referred the bill (S. 668) granting a pension to Frances E. Pease, respectfully report:

This bill proposes to pension, at \$30 per month, the claimant, who is the widow of William R. Pease. The soldier graduated at West Point in 1855, and was appointed a second lieutenant, was promoted to first lieutenant March 23, 1861, and to captain June 8, 1861, and colonel August 15, 1862.

The records of the War Department show that he contracted heart disease, or nervous affection of the heart, in 1859, while on duty in the West. The records show that Lieutenant Pease suffered from May 17, 1859, from a nervous affection of the heart, causing violent palpitation of the heart and complete prostration of the system. It is shown that he continued to suffer on account of this disability until 1863, when he was retired as a captain, United States Army, on August 25, 1863. He served at Camp Hasken, Virginia, when upon recommendation of the surgeon he was sent before a retiring board. The board was of opinion that Captain Pease was incapacitated for active service and that his incapacity resulted from sickness and exposure in the service. After his retirement he was on duty until 1870, being stationed at Washington, D. C., Hartford, Conn., and as professor of military science at State University of Wisconsin. He died June 7, 1895, at Wallingford, Conn.; cause of death, as reported by W. T. Russell, M. D., angina pectoris (primary), asthenia (secondary).

The widow filed a claim for pension February 18, 1896, under the general law. This was rejected on the following grounds:

No title. Soldier died of disease contracted in military service prior to March 4, 1861. Widow not entitled to pension on account of such death unless its cause originated in some war. Adjutant-General reports that during period from September, 1858, to September, 1859, the regiment was not engaged in any action with Indians or Mormons.

This woman is the widow of an officer who contracted his fatal disability while in the service and line of duty, and should be pensioned at

the total of rank which he held when he contracted such disability (second lieutenant, \$15 per month).

Your committee therefore recommend the passage of the bill, with an amendment.

Amend by striking out "thirty" in line 7 and insert in lieu thereof "fifteen," so as to read "fifteen dollars per month."

On this 1st day of December, A. D. 1897, before me, a notary public in and for the county of New Haven and State of Connecticut, personally appeared Frances E. Pease, a resident of Wallingford, county of New Haven and State of Connecticut, who, being duly sworn, according to law, declares that she is the widow of William R. Pease, who died at Wallingford aforesaid, on the 7th day of June, 1895. That she was married under the name of Frances E. Strickland to the said William R. Pease on the 2d day of October, 1883, there being no legal barrier to said marriage. That she has not remarried since the death of the said William R. Pease. That there is now living, the issue of said marriage, Robert W. Pease, aged 13 years. That the said Robert W. Pease is not able to earn anything toward his own or the support of his mother, the said Frances E. Pease. That the said William R. Pease served during the war of the rebellion in the service of the United States, and for a number of years prior to his death was on the retired list, and received from the Government of the United States \$157.50 per month, and was receiving said sum to the time of his death; and that he was without means of support other than the amount so received from the Government of the United States. That she, the said Frances E. Pease, is not now receiving and has not received a pension since the death of her said husband, the said William R. Pease. That she is without adequate means of support other than her daily labor. That her only means of support is by keeping boarders; and that she is physically able to keep boarders a part of the time only.

That she has suffered for a number of years past and is now a great sufferer from eczema, which renders her unable to perform manual labor, and but for the assistance of her mother and relatives would have suffered for the necessities of life.

FRANCES E. PEASE.

STATE OF CONNECTICUT, *New Haven County*, ss:

Sworn to and subscribed before me, at Wallingford, in said county and State, this 1st day of December, A. D. 1897. I hereby certify that the foregoing affidavit was fully made known and explained to the affiant before swearing, and that I have no interest in said claim, either direct or indirect.

[SEAL.]

CHAS. A. HARRISON, *Notary Public*.

MRS. E. S. KELLY.

JANUARY 25, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 3286.]

The Committee on Pensions, to whom was referred the bill (S. 3286) granting an increase of pension to Mrs. E. S. Kelly, have examined the same, and report:

A similar bill was introduced in the Senate during the Fifty-fourth Congress, reported favorably, passed the Senate, and was reported in the House of Representatives.

The claimant is the widow of the late James R. Kelly, who served as a private, artificer, and corporal in Company A, Engineers, at West Point, N. Y., from February 28, 1854, to March 31, 1858; in the Utah expedition to October 13, 1858, and at West Point, N. Y., to February 28, 1859, when he was discharged by expiration of service. He enlisted in Company D, Fourth Artillery, August 3, 1859, and served therewith as a private, corporal, and sergeant, at Fort Monroe, Va., until discharged, December 3, 1861, having been appointed second lieutenant, Third Artillery; appointed second and first lieutenant, Third Artillery, November 29, 1861; captain, Third Artillery, December 20, 1872; died December 3, 1884. Brevetted captain, June 27, 1862, "for gallant and meritorious services in the battle of Gaines Mill, Va.," and major, December 13, 1862, "for gallant and meritorious services in the battle of Fredericksburg, Va."

He served with his battery as an officer in the Army of the Potomac from December 14, 1861, to June, 1864; in the Middle Military Division to May, 1865; near Washington, D. C., to October, 1865; at Jefferson Barracks, Mo., to April, 1867; at Fort McPherson, Nebr., to July, 1867; at Fort Adams, R. I., to February, 1869, and at Key West, Fla., to July 25, 1869; sick with yellow fever at Key West to August 20, 1869; on sick leave to November 21, 1869; on duty with his battery at Key West, Fla., to March 22, 1870; at Fort Monroe, Va., to May 1, 1871; at Fort Pulaski, Ga., to November, 1872; at Fort Hamilton, N. Y., to March, 1873; at Davids Island, N. Y., to October, 1874; at Fort Warren, Mass., to December, 1875; at Madison Barracks, N. Y., to October, 1876; in

South Carolina, during election riots, to January, 1877; at Madison Barracks, N. Y., to July, 1877; in Pennsylvania, during labor strikes, to October, 1877; at Madison Barracks, N. Y., to November 11, 1881, and at Jackson Barracks, La., to November 3, 1884; sick at that post to December 3, 1884, upon which date he died.

He was engaged in the following battles, etc., during the late war: Siege of Yorktown, April to May, 1862; New Bridge, Va., June 19, 1862; Gaines Mill, Va., June 27, 1862, where he was wounded; Turkey Bend, Va., June 28 and 29, 1862; Malvern Hill, Va., June 30 to July 2, 1862; Antietam, Md., September 16 and 17, 1862; Fredericksburg, Va., December 11 to 15, 1862; Fredericksburg, Va., May 3 to 4, 1863; Beverly Ford, Va., June 9, 1863; Aldie, Va., June 17, 1863; Middleburg, Va., June 18 and 19, 1863; Upperville, Va., June 21 to 23, 1863; Smithsburg, Md., July 5, 1863; Williamsport, Md., July 6, 1863; Boonsboro, Md., July 7 to 12, 1863; near Funkstown, Md., July 9 to 11, 1863; Antietam, Md., July 10, 1863; Shepherdstown, W. Va., July 16, 1863; Port Royal, Va., September 1, 1863; Brandy Station, Va., and vicinity, September 12 to 15, 1863; near Madison Court-House, Va., September 21 to 23, 1863; Mine Run, Va., campaign, November 26 to December 3, 1863; Mechanicsville, Va., March 1, 1864; the Wilderness, Va., May 5 to 7, 1864; Hanover Court-House, Va., May 31, 1864; Ashland, Va., June 1, 1864; Cold Harbor, Va., and vicinity, June 1 to 12, 1864; Bethesda Church, Va., June 3, 1864; White House, Va., June 20, 1864; Deep Bottom, Va., July 26 to 29, 1864; Winchester, Va., August 11, 1864; Cedarville, Va., August 16, 1864; Kearneysville, Va., August 25, 1864; Smithfield and Shepherdstown, Va., August 26 to 29, 1864; Cedar Creek, Va., October 19, 1864; Mount Jackson, Va., November 22, 1864.

It further appears from the papers that the claimant herein has no means other than a small amount of money—\$600 or thereabouts—in the Newport Bank, and is dependent upon her own efforts for a livelihood. In view of the soldier's long, faithful, and meritorious services, your committee recommend the passage of the bill, with an amendment striking out the word "fifty," in line 7, and substituting "thirty."



CINCINNATUS JEANS.

JANUARY 25, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

ADVERSE REPORT.

[To accompany S. 3326.]

The Committee on Pensions, to whom was referred the bill (S. 3326) granting a pension to Cincinnatus Jeans, have examined the same and report:

Claimant, under this bill, was a teamster in the Army of the United States for a time. His petition sets forth that while so employed he contracted constipation of the bowels, which resulted in hemorrhoids, and he asks to be placed on the pension roll by special act of Congress because of this disability.

This committee, on the 11th day of January, 1898, adopted a code of rules for its guidance in the consideration of pension bills, one of which is as follows:

Bills proposing to pension men who were not mustered into service, except in cases where they performed actual military duty and were wounded, or unless some special or extraordinary service was rendered in connection with the Army, are not admissible.

Manifestly this case does not meet the requirements of the rule, and therefore it is reported back adversely, with a recommendation that it be indefinitely postponed.

LUCY F. WATSON.

JANUARY 25, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

ADVERSE REPORT.

[To accompany S. 327.]

The Committee on Pensions, to whom was referred the bill (S. 327) granting a pension to Lucy F. Watson, widow of Joseph W. Melton, deceased, have examined the same, and report:

This bill proposes to place on the pension roll the widow of a soldier who served in the Enrolled Missouri Militia, a military organization that was not mustered into the service of the United States. The soldier had no pensionable status under any law of the United States, neither has the widow, and nothing appears in the case of sufficient weight to warrant this committee in singling out this claimant from the large class to which she belongs and placing her on the pension roll by special act of Congress.

The bill is, therefore, reported back adversely, with a recommendation that it be indefinitely postponed.

○

ARMY APPROPRIATION BILL.

JANUARY 25, 1898.—Ordered to be printed.

Mr. QUAY, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 6546.]

The Committee on Appropriations, to whom was referred the bill (H. R. 6546) making appropriations for the support of the Army for the fiscal year ending June 30, 1899, report the same to the Senate with amendments, and submit herewith a statement showing the amount of the estimates for these purposes for 1899, the amount provided by the bill as passed the House of Representatives, the amount recommended by the committee, and the amount of the Army appropriation act for 1898.

A statement is also presented showing the amounts of the Army appropriation acts for the fiscal years 1888 to 1898, inclusive.

ARMY APPROPRIATIONS, 1899.

Amount of estimates for 1899.....	\$24, 180, 341. 04
Amount of supplemental estimates.....	45, 400. 00
Total estimates	24, 225, 741. 04
Amount of House bill.....	23, 185, 992. 00
Reduction recommended by the committee (net).....	43, 100. 00
Total, as reported to the Senate.....	23, 142, 892. 00
Amount of appropriations for 1898.....	23, 130, 044. 30
The bill as reported to the Senate is less than estimates.....	1, 082, 849. 04
The bill as reported to the Senate exceeds the appropriations for 1898.	12, 847. 70

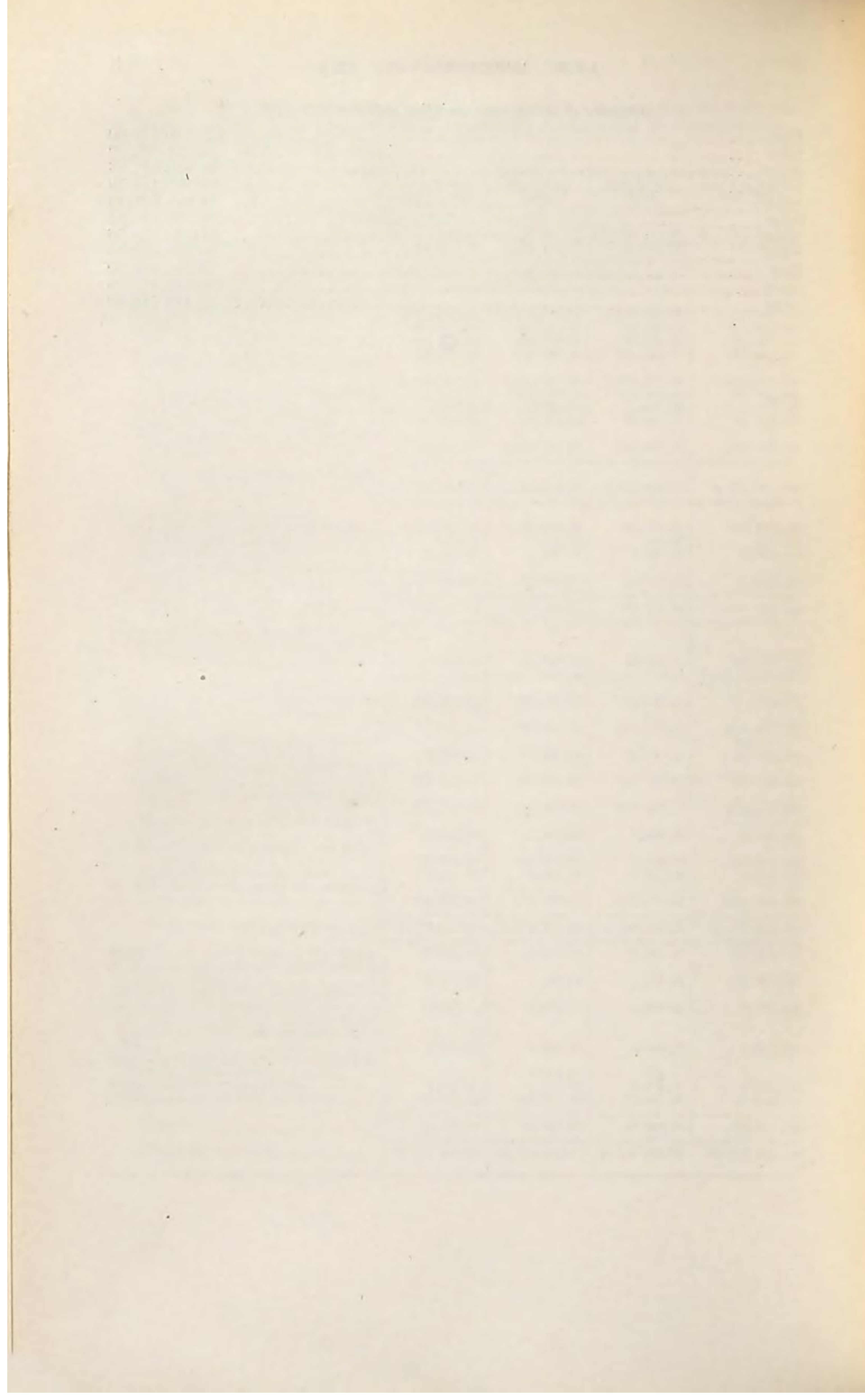
ARMY APPROPRIATION BILL.

Comparative statement showing the appropriations for 1898, the estimates for 1899, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1899.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate Committee, 1899.
Pay of the Army.....	\$13, 128, 954. 30	\$13, 987, 067. 29	\$13, 608, 102. 00	\$13, 565, 002. 00
Subsistence of the Army.....	1, 650, 000. 00	1, 655, 183. 75	1, 550, 000. 00	1, 550, 000. 00
Total	14, 778, 954. 30	15, 642, 251. 04	15, 158, 102. 00	15, 115, 002. 00
Quartermaster's Department, namely:				
Regular supplies	2, 000, 000. 00	2, 000, 000. 00	1, 800, 000. 00	1, 800, 000. 00
Incidental expenses	600, 000. 00	600, 000. 00	600, 000. 00	600, 000. 00
Horses for cavalry and artillery.....	130, 000. 00	130, 000. 00	130, 000. 00	130, 000. 00
Barracks and quarters.....	750, 000. 00	750, 000. 00	750, 000. 00	750, 000. 00
Transportation of the Army and its supplies	2, 400, 000. 00	2, 500, 000. 00	2, 300, 000. 00	2, 300, 000. 00
Construction and repair of hospitals.....	75, 000. 00	100, 000. 00	90, 000. 00	90, 000. 00
Quarters for hospital stewards	7, 000. 00	10, 000. 00	7, 000. 00	7, 000. 00
Shooting galleries, ranges, etc	10, 000. 00	10, 000. 00	10, 000. 00	10, 000. 00
Clothing and camp and garrison equipage	1, 050, 000. 00	1, 050, 000. 00	975, 000. 00	975, 000. 00
Total, Quartermaster's Department.....	7, 022, 000. 00	7, 150, 000. 00	6, 662, 000. 00	6, 662, 000. 00
Medical Department, namely:				
Medical and hospital supplies, etc....	135, 000. 00	125, 000. 00	114, 800. 00	114, 800. 00
Experimental cooking.....	200. 00	200. 00	200. 00	200. 00
Army Medical Museum.....	5, 000. 00	5, 000. 00	5, 000. 00	5, 000. 00
Library of the Surgeon-General's Office.....	10, 000. 00	10, 000. 00	10, 000. 00	10, 000. 00
Total, Medical Department.....	150, 200. 00	140, 200. 00	130, 000. 00	130, 000. 00
Engineer Department, namely:				
Engineer depot at Willets Point, N. Y.....	10, 000. 00	41, 000. 00	36, 000. 00	36, 000. 00
Ordnance Department, namely:				
Current expenses of ordnance service.....	110, 000. 00	125, 000. 00	125, 000. 00	125, 000. 00
Manufacture of metallic ammunition, etc	250, 000. 00	250, 000. 00	250, 000. 00	250, 000. 00
Repairing ordnance, and ordnance stores in hands of troops, etc.....	8, 000. 00	10, 000. 00	10, 000. 00	10, 000. 00
Ordnance stores to fill requisitions of troops	125, 000. 00	125, 000. 00	125, 000. 00	125, 000. 00
Infantry, cavalry, and artillery equipments.....	200, 000. 00	215, 000. 00	215, 000. 00	215, 000. 00
Overhauling, etc., ordnance at arsenals.....	5, 000. 00	5, 000. 00	5, 000. 00	5, 000. 00
Ammunition for morning and evening gun.....	15, 000. 00	20, 000. 00	15, 000. 00	15, 000. 00
Targets for artillery practice.....	6, 000. 00	6, 000. 00	5, 000. 00	5, 000. 00
Manufacture of arms at national armories.....	400, 000. 00	400, 000. 00	400, 000. 00	400, 000. 00
Total Ordnance Department.....	1, 119, 000. 00	1, 156, 000. 00	1, 150, 000. 00	1, 150, 000. 00
Expenses of signal service of the Army.....	18, 000. 00	18, 000. 00	18, 000. 00	18, 000. 00
Contingent expenses of Commanding General's Office.....	1, 750. 00	1, 750. 00	1, 750. 00	1, 750. 00
Contingent expenses at headquarters of military departments.....	3, 000. 00	3, 000. 00	3, 000. 00	3, 000. 00
Contingent expenses of military information division, Adjutant-General's Office.....	3, 640. 00	3, 640. 00	3, 640. 00	3, 640. 00
Contingent expenses of the Inspector-General's Department.....		1, 000. 00		
United States service schools.....	8, 500. 00	8, 500. 00	8, 500. 00	8, 500. 00
Contingent expenses of the Army.....	15, 000. 00	15, 000. 00	15, 000. 00	15, 000. 00
Total	49, 890. 00	50, 890. 00	49, 890. 00	49, 890. 00
Total for the Army.....	23, 130, 044. 30	24, 180, 341. 04	23, 185, 992. 00	23, 142, 892. 00

Amounts of Army appropriation acts for 1888-1898.

1888	\$23, 724, 718. 00
1889	24, 471, 300. 00
1890	24, 316, 615. 73
1891	24, 206, 471. 79
1892	24, 613, 529. 19
1893	24, 308, 499. 82
1894	24, 225, 639. 78
1895	23, 592, 884. 68
1896	23, 252, 608. 09
1897	23, 278, 402. 78
1898	23, 129, 344. 30



JAMES Q. SHIRLEY.

JANUARY 26, 1898.—Ordered to be printed.

Mr. CLAY, from the Committee on Claims, submitted the following

ADVERSE REPORT.

[To accompany S. 2479.]

The Committee on Claims, to whom was referred the bill (S. 2479) entitled "A bill for the relief of James Q. Shirley and the estate of Francis D. Long, deceased," respectfully report the same and recommend that it do not pass.

The claimants are asking \$46,000 alleged to have been sustained under the following facts:

In 1865 Ben Halliday, a United States mail contractor, was in possession of a tract of land in Idaho Territory belonging to the United States. The mail route being abandoned, he released and quitclaimed for a nominal sum all his right, title, and claim to claimants or their heirs and assigns. These claimants took possession of this land, including other lands belonging to the Government, and established a cattle and horse ranch. They remained there until 1869, when the United States established an Indian reservation, including these lands, and the claimants, being mere trespassers, were notified by the Government's agents to give up possession at once, which they promptly did, and began to move with their cattle and horses to Nevada. The weather was extremely cold, and on their route a large number of horses and cattle died, for which they claimed damages. It is apparent that they had no title and acquired no title when they took possession of this land. They occupied it and used it for about four years without the payment of rent. They immediately gave up possession when the Government, the true owner, notified them to leave. Under the facts, they are not entitled to recover either in law or equity. They took possession of land that did not belong to them, and knew it at that time. They might have expected just what they received, that the true owner, the Government, would oust them at some time.

THE JOURNAL OF THE ROYAL ANTHROPOLOGICAL INSTITUTE

OF GREAT BRITAIN AND IRELAND

VOLUME 31, PART 1, 1901

THE JOURNAL OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE

OF GREAT BRITAIN AND IRELAND

The Journal of the Royal Anthropological Institute of Great Britain and Ireland is a quarterly publication devoted to the study of man in all his aspects. It is the only English journal which deals with the whole range of anthropological subjects, from the physical and physiological to the social and psychological. The Journal is edited by the President of the Institute, and is published by the Royal Society of London. It is a valuable source of information for all those who are interested in the study of man.

PUBLIC BUILDING AT NEWCASTLE, PA.

JANUARY 26, 1898.--Ordered to printed.

Mr. QUAY, from the Committee on Public Buildings and Grounds,
submitted the following

REPORT.

[To accompany S. 2543.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2543) to provide for the purchase of a site and the erection of a public building thereon at Newcastle, Pa., have considered the same and recommend its passage with an amendment covering the statements contained in letter of the Treasury Department, which letter is herewith adopted as a part of this report.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 15, 1898.

SIR: In compliance with the request contained in letter dated the 23d ultimo, from your committee, for a report on S. 2543, providing for the acquisition of a site and the erection thereon of a suitable building for the use and accommodation of the United States post-office and other Government offices, at Newcastle, Pa., at a cost not to exceed \$100,000, I have the honor to advise you that from computations made, based upon the data received, it is estimated that a building 80 by 50 feet in area, with basement and one-story, of fireproof construction, with stone facing, and including heating apparatus, vaults, and approaches, will accommodate the post-office for the next ten years. It appears from an examination of the data received that no space will be required for other Federal offices in said city.

The bill requires that the building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys. The site should also be of sufficient size to allow for a 30-foot extension to the building in the future. If a corner lot is selected, it should be 130 by 130 feet in dimensions, including adjoining alleys.

Estimated cost of building, including 30-foot extension.....	\$72, 000
Estimated cost of site.....	26, 000
Total.....	98, 000

Your attention is respectfully invited to the prohibition contained in said bill, that "No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same." This prohibition will prevent the payment, until after the acquisition of a

site, of the customary preliminary expenses, such as advertising, the traveling expenses and subsistence of the agent of this Department who may be detailed to examine and report upon the suitability of such sites as may be offered, etc.

Unless it is intended that such items should not be paid promptly, it is suggested that the provisions of section 355, Revised Statutes, United States, are ample for the purpose of preventing the purchase of a site until the State has ceded to the United States jurisdiction over the same, or the erection thereon of any building until the Attorney-General has passed favorably on the title thereto, and it is respectfully suggested, therefore, that the prohibitory clause be stricken from the bill, or that the ordinary preliminary expenses be excepted from its operations.

Respectfully, yours,

L. J. GAGE,
Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

O

PATRICK HANLEY.

JANUARY 26, 1898.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1737.]

The Committee on Military Affairs, to whom was referred the bill (S. 1737) "To correct the military record of Patrick Hanley," reports:

A similar measure (H. R. 8706) passed the House of Representatives, and after favorable report by this committee passed the Senate during the second session of the Fifty-fourth Congress, but failed to become a law.

The committee now adopts its former report (No. 1546), which is hereto appended and made a part of this report, and again recommends the passage of the bill.

Said report is as follows:

The Committee on Military Affairs, to whom was referred the House bill 8706, have had the same under consideration and find the facts to be as stated in House Report No. 2470, Fifty-fourth Congress, second session, which is made a part of this report, as follows:

"The Committee on Military Affairs, to whom was referred the bill (H. R. 8706) to correct the military record of Patrick Hanley, having considered the same, would respectfully report such bill back to the House with the recommendation that the same do pass.

"The facts upon which your committee rely for the clemency sought to be extended by this bill are briefly as follows: The soldier ran away from home and enlisted, without bounty, in Company H, Twenty-eighth Wisconsin, on the 20th day of August, 1862. He was then about 17 years old. He remained with his company in camp within his own State until December 19, 1862, when he obtained leave to visit his home, and while absent on such leave his regiment was ordered to the front, leaving the soldier behind. When he learned that the regiment had left, he followed them to Chicago. When he arrived there the regiment had left. Not being able to learn of its whereabouts, he enlisted in the Mercantile battery, but was rejected on account of physical defects.

"On the 10th day of June, 1863, he again tendered his services to his country and was assigned to the Navy, where he served faithfully for the full term of his enlistment and was honorably discharged. Had he been accepted when he enlisted in the Mercantile Battery, the soldier could have been relieved under the general law.

"It is apparent the soldier never did intend to desert, and although he had to enter the service against the wishes of his parents, when he was fairly in the service and beyond the influence of his parents he served faithfully during his full term.

"The total bounty paid him for his entire enlistment was \$25.

"The record of such soldier, Army and Navy, is hereto attached and made a part hereof."

DEPARTMENT OF THE NAVY,
Washington, D. C., May 7, 1896.

SIR: Referring to your letter of the 6th instant to the Honorable Secretary of the Navy, I have the honor to state that one Patrick Hanley enlisted in the Navy at Chicago, Ill., June 15, 1863, as seaman for one year; served on board of the *Covington*, *Fairy*, and hospital *Pinckney*, and was discharged June 25, 1864.

Respectfully,

F. M. RAMSAY, *Chief of Bureau.*

Hon. S. A. COOK,
House of Representatives.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, April 17, 1896.

SIR: * * * It is shown by the records that Patrick Hanley was enrolled August 20, 1862, and was mustered into service October 14, 1862, in Company H, Twenty-eighth Wisconsin Infantry, to serve three years. He appears to have served faithfully to December 19, 1862, when he deserted. He never returned thereafter, although his company remained in service to August 31, 1865. No evidence has been found showing he was a minor at the date of his enlistment or was enlisted without the consent of his parents, or that he was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings.

It does not appear from the files of this office that an application for removal of the charge of desertion has been presented to this Department, and in the absence of testimony the status of the soldier can not be determined under the provisions of the act of Congress approved March 2, 1889, the only law now in force governing the removal of the charges of desertion.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. S. A. COOK,
House of Representatives.

In addition to the foregoing House report, the committee gives an extract from a private letter, written by James Murray, of Fremont, Nebr., to a Senator who says he has implicit confidence in his statements. Mr. Murray was a captain in the Twenty-eighth Wisconsin, from which Hanley deserted. He says:

"I was one of the line officers in the Twenty-eighth Wisconsin. You were another. My company was H. Now to business. A man whose name is Patrick Hanley enlisted upon the occasion of the organization of the Twenty-eighth from Merton or Lisbon, and chose Company H to go in; went into Camp Washburn with the rest of us, was mustered and drilled, and on the whole made a good soldier, no way disorderly, and was, I verily believe, never reprimanded by any of his superior officers. He went home; we marched the next day; he failed to get back in time; he followed us to Chicago; we were gone; he enlisted in a battery at that place, was rejected for physical disability of some kind. In a short time he enlisted in the Navy and served three years.

"Of course most of this has been told me after we got home, by him. I know this, however, while we were in camp at Mobile, one of my men came to me one day and said: 'Patrick Hanley is down on board of a gunboat and expressed a desire to see us, but said that he was afraid I would have him arrested as a deserter, and that as he had seen about as much service as any of the Twenty-eighth, he would not like to be arrested.' As the war was about winding up I forebore to send for him. Well, of course, he was reported as a deserter and the muster-out rolls so reported him. It seems that he not long since found it out. He writes me that he is seeking to get the disgrace effaced on account of his children. I sympathize with the boy, particularly in that respect. Congressman Cook, of Wisconsin, is about to try and have a bill passed restoring him. Now, as you were in those days one of us, could you not, if you deem it consistent with right, etc., give the matter a helping hand? My recollection of the boy is quite vivid and I found him a dutiful, orderly, and manly young man."

While Hanley might have persevered in his attempt to overtake the Twenty-eighth Wisconsin and thus have avoided the charge of desertion, we think that his conduct in seeking to enlist in the Mercantile Battery, and enlisting and serving a year in the Navy, shows that he was not endeavoring to avoid the service of his country, and the committee report the bill back with a recommendation that it do pass.

HEIRS OF MARGARET KENNEDY.

JANUARY 26, 1898.—Ordered to be printed.

Mr. ALLEN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 2495.]

This is a bill to pay the heirs of Margaret Kennedy, widow and sole executrix of the late John Kennedy, \$10,476, less the amount paid her in pursuance of an act heretofore passed.

This bill, or one similar to it, was favorably reported to the House from the Committee on Claims on the 28th of January, 1891, and it was passed by the Senate on the 10th of May, 1891.

In the Fiftieth Congress a bill was passed directing the Quartermaster-General to ascertain "the value of all timber, fences, and fruit trees on the farm of John Kennedy, deceased, in the District of Columbia, upon which Fort Sedgwick was erected, taken and used by the Government for firewood and in the construction of said fort." The Quartermaster-General stated the value, which amounted in gross to \$1,378.44, and this amount was paid.

The items given are 200 cords of wood; whereas the fact is there were 900 cords of wood taken, which, at \$10 a cord, would amount to \$9,000; 1,936 rails, 200 fruit trees, and timber for the fort. The wood is valued at \$2 a cord, the fruit trees at \$4 each, and the fence rails at 4 cents each, which would not pay for cutting and splitting, the timber for the fort at the gross sum of \$101.

This farm was the sole property of the late John Kennedy. It was stripped of all that made it valuable, it was occupied during the pleasure of the Army, the owner was deprived of its use and income, and it was left in a condition that greatly depreciated its value. At that time firewood was worth \$10 a cord; the timber, as it stood, was worth much more, for it gave value to the farm, and no one in the possession of such property would have consented to its indiscriminate destruction at any price. Four cents each for fence rails does not cover the cost of splitting, and they were the more valuable at that time, inasmuch as wire fencing was not then, as now, in general use. Four dollars each for 200 fruit trees did not bear any comparison to their value, estimating their planting and care and their past and future product. No man would consent to have his fruit trees swept from his farm if the despoiler would offer ten times their value.

The committee submits that the sum paid the widow is not by any means adequate; that the Government, in appropriating what she would not have voluntarily parted with and in its occupancy and use of the place, has incurred an amount of indebtedness which in justice it should satisfy.

The bill is reported favorably, with a recommendation that it do pass.

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HENRY W. CORBETT.

JANUARY 26, 1898.—Ordered to be printed.

FEBRUARY 3, 1898.—Ordered printed as corrected.

Mr. CAFFERY, from the Committee on Privileges and Elections,
submitted the following

REPORT.

[To accompany Senate Res. No. 253.]

The Committee on Privileges and Elections, to whom were referred the credentials of Henry W. Corbett, claiming a seat in the Senate from the State of Oregon, respectfully report:

The term of Hon. John H. Mitchell, Senator from Oregon, ended March 3, 1897. The nineteenth biennial session of the legislature of Oregon, under the constitution and laws of that State, was to convene at the capital on the 11th of January, 1897. On that day the senate met and effected a permanent organization. The house met on the same day, effected a temporary organization, and at a later day effected a permanent organization. There was no recognition of the house by the executive branch of the government, or by the coordinate branch of the legislature, the senate.

The members of the senate and house dispersed and returned to their homes without having transacted any business of a legislative character. It thus appears that the legislature of Oregon deliberately refused to perform any of the functions with which they were charged, one of the most important being the election of a Senator to succeed John H. Mitchell.

We are of the opinion that a series of decisions by this body on the point involved in this case forms the rule of stare decisis.

The point of the case of Mr. Corbett is whether the executive of a State can appoint a Senator to fill a vacancy caused by the expiration of the regular term of a Senator when the legislature chosen next preceding the expiration of the term fails to elect a Senator to fill such vacancy.

In the Lee Mantle case, decided by this body in 1893, the legislature of Montana adjourned the day before the vacancy occurred by the expiration of the term of Mr. Sanders, after having ineffectually balloted to elect his successor.

In the case of Mr. Corbett the legislature did not even make the attempt to elect. In the case of Mr. Mantle the legislature made the attempt and failed.

Your committee are of the opinion that there is no essential difference between the two cases. In both cases opportunity was afforded to the respective legislatures to perform their constitutional duty. They did not perform that duty. Whether because of failure to organize, as is alleged, but not substantiated, or because after organizing they failed to agree on a choice, does not affect the fact that opportunity was given in both cases to elect, of which they did not avail themselves.

The case of Kensey Johns, of Delaware, decided in 1794; of James Lanman, of Connecticut, decided in 1825, and of Lee Mantle, of Montana, decided in 1893, are on all fours with the case of Mr. Corbett. They were decided after full presentation and exhaustive argument. They decide that an executive appointment can not be made when the legislature had opportunity to elect and failed to elect.

There is no precedent of any weight against the authority of these cases. There have been appointments by governors when the legislature had not the opportunity to elect, and when the apparent hardship of depriving the State of a Senator operated to their admission, but your committee do not think that they have any weight in the solution of the question presented by this case.

Going outside of precedent, and interpreting the Constitution according to the accepted rule that the primary meaning of words is to be followed when there is nothing in the context to show that a secondary meaning is intended, and that general words take on the meaning of the special words, we are of the opinion that the "vacancies" mentioned in article 1, section 3, of the Constitution are those occurring in like manner as "resignation," i. e., by fortuitous event.

We are of the opinion that it would be a dangerous usurpation of power for a governor to appoint to fill a vacancy occurring by the expiration of a regular term in this body; one not sanctioned by the Constitution and not supported by controlling precedent or convincing reason.

We therefore recommend the adoption of the following resolution:

"Resolved, That the Hon. Henry W. Corbett is not entitled to take his seat in this body as a Senator from the State of Oregon."

D. CAFFERY.

WM. V. ALLEN.

J. C. BURROWS.

I concur in the conclusion of the majority of the committee, and submit herewith my opinion.

E. W. PETTUS.

IN THE MATTER OF MR. HENRY W. CORBETT'S CLAIM TO A SEAT AS SENATOR FROM THE STATE OF OREGON.

I prefer to put my concurrence in the conclusion of the majority of the committee squarely and entirely on the ground that the question of law involved in this case was settled in the Mantle case, and ought to remain settled forever.

In the great debate in the Mantle case, which extended at intervals from March to August, 1893, the senior Senator from Massachusetts said:

I am gratified that this question now arises under circumstances *where it can be settled* without any thought or imputation of partisanship upon any Senator delivering his judgment; because, although it happens there are two Republicans and one Democrat affected by these reports, there is a Senator in this body, who took his seat

on the 4th of March without question, whose title depends upon virtually the same thing. (25 Cong. Record, part 1, p. 43.)

And in the same debate the then junior Senator from Indiana, in the same line of conservative wisdom, said:

It would be perhaps as fair a way as any to treat this as a case of first instance, *the same as if no decision had been made upon it*, and to remit the present court, the members of this body sitting in judgment, to the text of the Constitution itself, to the letter of the passage relating to the appointing power, and the spirit of the context in which it is found, and the tenor and purpose of the whole instrument. (Ib., 68.)

The courts of England for centuries and the United States for one century declared it far better that the law should be *settled and known* than that it should be decided with technical accuracy. Those who have studied the judicial legislation enacted during the last forty years, the overthrow of principles long deemed settled, will appreciate the wisdom of the maxim, *Stare decisis*.

I think the question in this case was settled in the Mantle case, and should remain settled.

E. W. PETTUS.

VIEWS OF THE MINORITY.

The undersigned respectfully dissent from the opinion of the majority, and briefly state their reasons.

The term of John H. Mitchell, Senator from the State of Oregon, expired at noon on the 4th day of March, 1897. The members of the legislature who were entitled to elect a successor assembled on the 11th day of January, 1897. The senate completed a lawful permanent organization. That day the house attempted such an organization, but its validity was in dispute and for a time there were two bodies, each claiming to be the lawful house. There was never any election of a Senator by concurrent vote. What was claimed to be a lawful joint assembly was held; but that joint assembly never elected a Senator, and adjourned without day on the 24th of February, 1897. There were certain proceedings under which it was claimed that there was a due organization of the house. During the last week of February, 1897, both senate and house, whichever body be treated as the lawful house, dispersed and were declared by their respective presiding officers adjourned without day. Thereafter, on the 6th day of March, 1897, Mr. Corbett was appointed to the vacancy by the governor. It seems clear that there was a recess of the legislature of Oregon on the 3d of March, 1897, and that there has been one ever since. The only question is of the power of the governor to make a temporary appointment.

It is clear, whatever may have been the nature of the organization of the legislature, that it had dispersed and come to an end before the 3d day of March, 1897, when the vacancy in the office of Senator took place by the limit of the term to which Mr. Mitchell had been chosen, and which he had held for six years. Any choice or appointment made after that time must be a choice or appointment for less than six years. The constitutional provision for the choice of Senators is as follows:

ART. 1, SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; * * * if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It is well settled by a practice which has existed from the foundation of the Government that vacancies so occurring after the beginning of a constitutional term may be filled by the legislature. If that be true they may be filled by the executive of the State during the recess of the legislature. The legislature is only authorized by the Constitution to fill such vacancies as might be filled by the executive by temporary appointment until the next meeting of the legislature. So if the executive have no power, the legislature has no power. The executive may

lawfully make a temporary appointment and the legislature fill that vacancy when it assembles, or the office must remain vacant for the rest of the six years. It has been said that a vacancy does not happen when it occurs by reason of the expiration of a certain term, or when the office has never been filled. But the Constitution uses the same language in *When vacancies happen in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancies.* (Art. 1, sec. 2.)

When the term of a Representative expires and the people have failed to elect a successor beforehand, which occurred very often when a majority was required for an election, the executive has always issued a writ of election to such vacancy as of course.

The provision as to executive offices is as follows:

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session. (Art. 2, sec. 2.)

It is now well settled by long and uniform practice that this power exists when a vacancy happens in the constitutional sense, if the term of office limited by law expires during the recess of the Senate, or if a new office has been created which has never been filled, and the President makes the appointment in such case.

We think, therefore, that the governor of Oregon was entitled to make the appointment, and that Mr. Corbett is entitled to the seat.

GEO. F. HOAR.

WM. E. CHANDLER.

J. C. PRITCHARD.

JOHN C. SPOONER.



THE HISTORY OF THE
CITY OF BOSTON
FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
BY
JOHN H. COLEMAN
OF THE CITY OF BOSTON
IN TWO VOLUMES
VOL. I.
BOSTON: PUBLISHED BY
J. B. LEECH, 15 N. MARKET ST.
1845.

The first settlement of the city of Boston was made by a band of Puritan emigrants from England, who arrived in the harbor of Massachusetts Bay in the autumn of 1630. They were led by John Winthrop, who had been chosen by the company to be their governor. They landed at a point now called North End, and immediately began to build a town. The first church was founded in 1630, and the first school in 1631. The town grew rapidly, and by 1634 it had a population of about 1000. In 1635, the town was incorporated as a city, and in 1636 it was made the capital of the colony. The city continued to grow, and by 1690 it had a population of about 15,000. In 1693, the city was again incorporated as a city, and in 1780 it was made the capital of the Commonwealth of Massachusetts. The city has since continued to grow, and is now one of the largest and most important cities in the United States.

BRIDGE ACROSS THE TALLAHATCHIE RIVER.

JANUARY 26, 1898.—Ordered to be printed.

Mr. VEST, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 5982.]

The Committee on Commerce, to whom was referred the bill (H. R. 5982) entitled "A bill to amend an act entitled 'An act declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, and for other purposes,' approved May 28, 1896," beg to submit the following report:

The committee, upon investigation, have learned that the work of constructing the bridge authorized by the act which the bill proposes to amend was begun in good faith, and that the same would have been completed within the time prescribed by said act but for the unavoidable interruption caused by the floods of the Mississippi River which prevailed in the spring and summer of 1897, and the epidemic of yellow fever, with accompanying quarantine regulations, which suspended all business practically in the fall of that year.

The committee therefore recommend that the bill pass.



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WILLIAM H. ATKINS.

JANUARY 27, 1898.—Ordered to be printed.

Mr. JOHN MURRAY MITCHELL, from the Committee on Military Affairs,
submitted the following

REPORT.

[To accompany S. 388.]

The Committee on Military Affairs, to whom was referred the bill (S. 388) for the relief of William H. Atkins, formerly commissary sergeant, United States Army, have had the same under consideration and respectfully report as follows:

A bill identical in terms was favorably reported by this committee in the second session of the Fifty-fourth Congress, and was passed by the Senate April 23, 1896. Similar bills have been favorably reported by this committee in the Fifty-first, Fifty-second, and Fifty-third Congresses. Your committee adopt the report of the Senate Committee on Military Affairs of the Fifty-fourth Congress and recommend the passage of the bill.

The facts as set forth in said report are as follows:

The petitioner enlisted at New York, December 19, 1866, and served in Company B, Sixteenth United States Infantry, as private, corporal, sergeant, and first sergeant until about April 21, 1869, when he was discharged by reason of being rendered supernumerary in the consolidation and reorganization of his company and regiment with Company F, Second United States Infantry. He reenlisted at New York, May 21, 1869, and was assigned to said Company F, Second United States Infantry, in which he served as a private, sergeant, and first sergeant until July 4, 1873, when he was promoted and appointed post commissary sergeant, serving as such until discharged May 21, 1874. He reenlisted at St. Augustine, Fla., and served there until about November 1, 1877, when he was transferred to Fort Craig, N. Mex., and was discharged there August 5, 1878, and being denied travel pay and allowance was compelled to expend the sum claimed to reach the place of his enlistment in Florida, a distance of 1,851 miles.

He made his claim to the Second Auditor of the Treasury, who, under date of March 11, 1889, said: "As you were discharged at your own request, by way of favor, you are not entitled to traveling allowances," and his claim was disallowed.

In Special Orders, No. 168, War Department, dated August 5, 1878, discharging the petitioner, the Adjutant-General uses the following language: "He is not entitled to travel pay."

The Revised Statutes, section 1290, on the point at issue, provide as follows:

"SEC. 1290. When a soldier is discharged from the service (except by way of punishment for an offense) he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster

into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, commuted at the rate of one day for every 20 miles."

Your committee fail to discover the semblance of any warrant in either the letter or spirit of this statute for the ruling of the Second Auditor or the language used by the Adjutant-General of the Army.

In a letter to the Secretary of War from the Adjutant-General of the Army, dated March 14, 1890, it appears that the denial of travel pay in this case was "based on the rules of the Treasury Department."

Your committee fail to conceive what right that Department or the War Office has to inject into a statute some fanciful rule of its own to defeat the plain intention of Congress, and to deny justice to men who faithfully serve their country on a very small stipend.

It is true that because of the sickness of the wife of the petitioner he asked for his transfer to a milder climate or else his discharge, but there can be no degree of equity in pretending that a soldier who simply asks for his transfer or a discharge is thereby guilty of such an "offense" as it was the manifest purpose of the law-making power to punish by deprivation of travel pay and allowance.

VERONA E. POLLOCK.

JANUARY 27, 1898.—Ordered to be printed.

Mr. ALLEN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 153.]

The Committee on Claims, to whom was referred the bill (S. 153) for the relief of Verona E. Pollock, after carefully examining the same, beg leave to report as follows:

We recommend that the bill be amended by striking out the word "seventeen," in line 7, and inserting in lieu thereof "thirteen," so that the bill will carry an appropriation of \$13,000.

This claim was thoroughly examined by us during the second session of the Fifty-fourth Congress, and favorably reported in Report No. 1480, which we append as a part hereof.

With the proposed committee amendment adopted, your committee favorably recommend the passage of the bill.

Senate Report No. 1480, Fifty-fourth Congress, second session.

Mr. ALLEN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 3510.]

The Committee on Claims, to whom was referred the bill (S. 3510) for the relief of Verona E. Pollock, have examined the same, and beg leave to report as follows:

Mrs. Pollock is the widow of Alexander L. Pollock, late United States consul to San Salvador, Republic of Salvador, Central America. Consul Pollock was commissioned September 23, 1893, and assumed the duties of his office January 5, 1894. At that time the Republic of Salvador was peaceful and its Government apparently well established. There was no prevailing epidemic, and the climatic conditions seemed favorable, and Consul Pollock sent for his wife and three children, who joined him at San Salvador April 7, 1894. The family carried with them a great many treasures of art and other valuables, accumulated during years of travel in this and other countries, for the purpose of establishing themselves in comfort during what Consul Pollock supposed would be a long term of service for his Government; but within one week after Mrs. Pollock and her children reached San Salvador one of the most terrible revolutions ever known in that country burst upon the Republic and was concentrated at San Salvador.

Consul Pollock had been a soldier in the service of his country, and had learned to obey the call of duty at whatever cost; and immediately, at the risk of destruction of all that he held dear, he devoted himself incessantly to the guardianship over the lives and property of other American citizens temporarily sojourning in Salvador. Battles raged even about the consulate. The streets were polluted with the dead bodies of soldiers and insurrectionists; yellow fever appeared in its most horrible form, becoming almost instantly epidemic. Consul Pollock was stricken, and died September 7, 1894. Mrs. Pollock had remained at his bedside until his death, and then herself took the fever and was removed to Santa Tecla, a neighboring town, where her little children joined her, her eldest son also being stricken with the fever. No medical or other efficient attendance could be had. In the throes of the revolution, it was impossible for Mrs. Pollock to secure her personal effects, and after weeks of such agony of mind and physical deprivation as few could endure and live, she and her three children were carried to a United States ship, their sole earthly possessions being the scanty clothing which they wore, and were brought back to this country, landing in San Francisco.

From that day to this Mrs. Pollock has been utterly unable to perform any labor by which to maintain herself and her children. The awful shock to her nervous system has resulted in her being utterly unfit for continuous exertion, and the effect upon her children is also noticeable. Previous to his appointment in the diplomatic service, Consul Pollock incurred hernia in the military service of the United States. It is possible that his death was immediately caused by the strangulation of such hernia, induced by the agonies of yellow fever. Mrs. Pollock had applied for pension as his widow, but the application was rejected on the ground that Consul Pollock's death was due to yellow fever.

The State Department paid many bills incurred during the illness of Consul Pollock, and in the rescue of Mrs. Pollock and her children from Salvador, and has done all in its power at all times to secure the return or an accounting of the property which the family carried to Salvador, and which was totally lost to them, but without avail.

Mr. Pollock and her children are now resident in Washington, where she is dependent upon the assistance of friends and such insufficient efforts as herself and children can put forth in their own behalf.

There have been numerous cases in which, under circumstances justifying the same, Congress has made allowances to the widows or estates of diplomatic officers. A few precedents are here cited:

The appropriation act approved March 3, 1879, gave to Mrs. Taylor, widow of Bayard Taylor, who died while minister to Germany, the sum of \$7,000 to compensate his estate for the extraordinary expenses and losses incurred by it in consequence of his death so soon after reaching his post.

The joint resolution approved July 28, 1882, gave to Mrs. Hurlbut, widow of General Hurlbut (Captain Phelps's immediate predecessor—General Hurlbut having died while minister to Peru), one year's salary and legal allowances, after necessary deductions of salary paid.

The joint resolution, also approved July 28, 1882, gave to Mrs. Kilpatrick, widow of General Kilpatrick, who died while minister to Chile, one year's salary and legal allowances, after making proper salary deductions.

The joint resolution approved August 1, 1882, gave to Mrs. Garnet, widow of Rev. Henry Highland Garnet, who died while minister to Liberia, one year's salary and legal allowances, after deducting the amount received up to his death. Mr. Garnet had been in Liberia only a few weeks.

The deficiency bill approved March 3, 1883, gave to Mrs. Marsh, widow of George P. Marsh, esq., who died while minister to Italy, the balance of one year's salary, reckoned from June 23, 1882.

The act approved December 23, 1884, gave to Mrs. Jane Venable, widow of William E. Venable, esq., who died while minister to Guatemala, the sum of \$5,636.87, being the balance of one year's salary. In this case, Mr. Venable was commissioned March 14, 1857, and died at Guatemala August 22 of that year, before presenting his credentials. Consequently the action of Congress dates twenty-seven years after the minister's death.

The deficiency bill approved March 3, 1885, gave to Mrs. Wing, widow of E. Rumsey Wing, esq., who died while minister to Ecuador, and to Mrs. Hunt, widow of William H. Hunt, esq., who died while minister to Russia, a sum equal to six months' salary in each case. Mr. Wing was commissioned minister resident November 16, 1869. Shortly afterwards, however, Congress discontinued the mission to Ecuador.

Mrs. Lizzie Maynadier Phelps, widow of Capt. Seth Ledyard Phelps, late envoy extraordinary and minister plenipotentiary of the United States to Peru, one year's salary as said minister, from June 25, 1888. (Act of August 3, 1886, United States Stat. L., vol. 24, p. 863.)

For payment to the heirs of Alexander Clark, late minister and consul-general to Liberia, the amount of one year's salary of said officer, \$4,000. (Act of July 28, 1892, United States Stat. L., vol. 27, p. 283.)

To be paid to Mrs. Sarah O. Hanna, widow of Bayless W. Hanna, late minister resident and consul-general, and also commissioned envoy extraordinary and minister plenipotentiary, to Argentina, for expenses and loss in bringing said Hanna from Buenos Ayres to the United States after he was attacked by a fatal disease while at his post and in the discharge of his official duties, which said attack rendered him entirely helpless and from which he died after reaching home, \$5,375. (Act of March 3, 1893, United States Stat. L., vol. 27, p. 647.)

To pay \$1,000 to Mrs. Celeste H. McCoy, of St. Paul, Minn., widow of the Hon. W. D. McCoy, late minister and consul-general of the United States to Liberia. (Act of March 2, 1895, United States Stat. L., vol. 28, p. 865.)

To pay to Mrs. Eliza Jaqua Gray, widow of Isaac P. Gray, late United States minister to Mexico, \$8,750. (Act of June 8, 1896, p. 268 of Pamphlet Laws, first session Fifty-fourth Congress, 1895-96.)

Without desiring to make any invidious distinction, your committee is of the opinion that no one of the cases above cited presents such tragic aspects as are offered in the case now under consideration. When Mr. Pollock was commissioned as a servant of his Government to the Republic of Salvador, he was in comfortable circumstances in the enjoyment of lucrative returns from his profession as a writer, and had a family circle unbroken. In less than one year from the time of his appointment he died of yellow fever and was buried in a foreign land; his wife and children were wrecked in health and courage, after passing through such dangers and tortures as few men are called upon to meet, and the stricken widow and her little ones were reduced to penury, which would have meant starvation but for the assistance bestowed by friends.

Consul Pollock, as is shown by the testimonials from the State Department, was an intelligent, courageous, and efficient officer of the Government. Your committee is of the opinion that it is the duty of the United States to afford to the widow of this patriotic man the means whereby she may be preserved from beggary or want, and whereby she may educate her children in a manner befitting their former station in life.

Your committee therefore recommend that the bill, as offered in the Senate, do pass.

Accompanying and made a part of this report, with the recommendation that they be printed as a part thereof, are the following papers:

1. Petition of Verona E. Pollock.
2. Affidavit of Hon. Lewis Baker.
3. Affidavit of Charles M. Thomas, commander, United States Navy.
4. Affidavit of Isabella L. Duncanson.
5. Affidavit of Verona E. Pollock.
6. Affidavit of Camillo H. Machinek, M. D.
7. Affidavit of Anton Coe, M. D.
8. Affidavit of G. W. Perry, M. D.
9. Copy of a letter from the United States consul, San Salvador, to the Secretary of State, dated July 27, 1896.
10. Copy of a letter from the Assistant Secretary of State to the United States consul, San Salvador, dated July 15, 1896.

11. Copy of a letter from Mrs. Alex. L. Pollock to the Secretary of State, dated September 9, 1895.
12. Copy of a letter from Lewis Baker to the Secretary of State, dated January 14, 1897.
13. Copy of a letter from Mr. J. F. Baker to Mr. Lewis Baker, dated January 14, 1897.
14. Copy of a letter from Mr. Otto Munchmeyer to Mr. J. F. Baker, dated January 2, 1897.
15. Copy of a letter from Mr. G. J. Dawson to Mr. J. F. Baker, dated January 2, 1897.
16. Letter from the Secretary of State to the Hon. John Sherman, dated January 11, 1886.
17. Letter from the Secretary of State to the Hon. John Sherman, dated February 1, 1897.
18. Letter from the Assistant Secretary of State to the Hon. Frank J. Cannon, dated February 4, 1897.

No. 1.—*Petition of Verona E. Pollock.*

To the Congress of the United States :

Your petitioner, Verona E. Pollock, respectfully shows that she is the widow of the late Alexander L. Pollock, who was commissioned United States consul to San Salvador, Republic of Salvador, Central America, September 23, 1893, and who proceeded to his post of duty and assumed the duties of said office on January 5, 1894; that on April 7, 1894, your petitioner, accompanied by her three children, joined Mr. Pollock at San Salvador, at his request, the Republic of Salvador being then peaceful and its Government apparently well established; the climatic conditions at that time were also good, there being no prevailing epidemics. That within one week after the arrival of your petitioner and her children at San Salvador there broke out one of the most terrible revolutions known to Central America, during the continuance of which the interests of the resident American citizens required Mr. Pollock's constant and unremitting attention, which he cheerfully and faithfully gave, in order that he might save both the lives and property of the citizens of his Government residing at that place.

The character of the service rendered by him will more fully appear from the accompanying statements under oath of Hon. Louis Baker, United States minister to Salvador, Nicaragua, and Costa Rica, and the statement of Charles M. Thomas, commander, United States Navy, commanding U. S. S. *Bennington*, stationed at Salvador during the progress of the said revolution, and the arduous and fatiguing character of said duties left Mr. Pollock so debilitated physically and mentally as to render him susceptible to attacks of disease and to cause him to become an easy prey to the epidemic of yellow fever, which followed the revolution hereinbefore referred to, and which was undoubtedly due to the uncleanly and unsanitary methods of the people of that Republic, apparent at all times, but magnified during times of revolution when unburied bodies were left to pollute the streams from which drinking water was obtained and the garbage incident to a city was left ungathered and exposed to the atmosphere.

That Mr. Pollock was stricken with the prevailing epidemic, and after lingering for some days, suffering from privations due to lack of comfortable quarters and proper medical attendance, and the fact that he was quarantined on account of the contagious nature of his disease, died on September 7, 1894; that your petitioner remained at his bedside until his death, and being thus exposed to contagion also took the yellow fever, which caused her husband's death, and suffered therefrom, being removed from the country in a dying condition and without proper clothing or comforts, there being no one by her to attend to the getting of her clothing from her effects at her dwelling in the city, she having been, when taken sick, removed to Santa Tecla, a neighboring town, where she was joined by her children, who had been kept out of the city to avoid contagion; that her eldest son was taken with the fever, and when suffering therefrom was removed with the petitioner to the steamer en route for San Francisco; that the physical condition of petitioner, by reason of the mental agonies endured by her incident to the strain of her husband's agony and death, as well as by the fact of her being left alone in a strange country then in the throes of a revolution and swept by an epidemic, coupled with the effects upon her system of the disease from which she had suffered, was such that upon her landing at San Francisco she was prostrated and unable to attend to the slightest detail of business, and was compelled to rely upon her friends' assistance in that city; that this condition has so continued that she has been unable to follow any employment for the maintenance of herself and her children, and during most of the period since her return to this country in November, 1894, has been under the care

of physicians, who have treated her for nervous prostration and other ailments due to the intense strain to which she has been subjected, as well as to the poisonous effects upon her system of the yellow fever from which she suffered.

That owing to the conditions prevailing at San Salvador at the time of her removal therefrom, as well as to her physical condition at the time of such removal, she was unable to make any arrangements looking to the proper care of the household effects carried to that city by her when she joined her husband at his post of duty, and she has been unable to recover any portion thereof although aided in her efforts so to do by the Department of State, which Department has at all times endeavored to cooperate with her in the obtaining of said effects.

Your petitioner respectfully submits her affidavit accompanying this petition, detailing the circumstances surrounding the death of her husband and her experiences in the Republic of Salvador, and most respectfully prays that Senate bill 3510, introduced for her relief, may receive favorable consideration at your hands.

Your petitioner submits that the sum of \$17,000 provided therein will be no more than adequate to reimburse her for losses sustained by her, both of property as well as of physical health, which latter has precluded her, as hereinbefore stated, from making a livelihood and the support of herself and children. And your petitioner further states that subsequent to her return to the United States bills covering charges for medical attendance and other expenses incident to the last illness and burial of her deceased husband, as well as covering the expenses incurred by her during her illness in San Salvador, and amounting to a large sum, were sent to the Department of State, some portion of which she is advised was audited and paid.

Your petitioner further states that at the date of his appointment in the diplomatic service her deceased husband was suffering from a hernia incurred by him in the military service of the United States; that his death was caused by the strangulation of such hernia, induced by the strain due to the vomiting incident to yellow fever and which was particularly pronounced in his case; that her claim for pension as widow has been rejected by the Pension Office upon the ground that her said husband's death was due to yellow fever, and not in any manner due to hernia incurred by him while in the military service as aforesaid.

In conclusion your petitioner begs respectfully to cite the action of Congress as disclosed by Senate Report No. 238, Forty-ninth Congress, first session, and in which cases the wives of diplomatic officers dying in the Government service have been granted sums of money. Without reflecting upon any one of these cases, your petitioner, while believing her own possesses equities equally as strong, if not stronger, as shown by her petition, feels confident that her suffering and mental anguish during all these years, coupled with the loss of property which she sustained, entitle her to the relief of Congress for which she prays. Furthermore, your petitioner believes and states with confidence, that although many cases of consular officers dying abroad have unfortunately occurred, yet she doubts if any case has been identical with and as tragical as her own or surrounded by so many elements of distress and mental suffering.

And your petitioner will ever pray.

DISTRICT OF COLUMBIA, *County of Washington*, ss:

Personally appeared before me on this 27th day of January, 1897, Verona E. Pollock who, being duly sworn, declares that she had read the foregoing petition, and that the statements therein contained are true to the best of her knowledge and belief.

VERONA E. POLLOCK.

Subscribed and sworn to before me this 27th day of January, A. D. 1897.

[SEAL.]

B. T. WEBSTER,
Notary Public District of Columbia.

No. 2.—*Affidavit of Hon. Lewis Baker.*

I was not in Salvador during the last illness of the late Alexander L. Pollock, the United States consul to that country, but I am conversant with the circumstances attending his sickness and his death.

The period of Mr. Pollock's service as consul was a peculiarly trying one in that country. A fierce revolution broke out in one of the northern provinces and rapidly spread over the principal cities and towns until the whole State was ablaze. The contest was savagely waged on both sides and the interests of Americans and other foreigners were disregarded.

This forced upon Mr. Pollock duties of more than ordinary gravity. To add to the delicacy of his situation, a number of the chief military officers of the defeated party sought and found asylum on board of a United States naval vessel then lying at La Libertad. These men were demanded for sacrifice by the successful party, which demand could not be complied with. For a time the Government was disposed to

retaliate upon the American citizens then engaged in business in that country, and only for the presence of a clear-headed, adroit, able, and persevering officer of this country, American citizens would, in a number of instances, have suffered seriously in both their persons and property.

Following the war came pestilence in an epidemic of yellow fever. This came at the time the duties above mentioned were pressing upon Consul Pollock.

Being an invalid from a wound received while in the service of his country prior to his appointment to Salvador, and still suffering from the effects thereof, he was urged by his friends in that country to apply for a leave of absence in order to recruit his shattered health. Declining this, he was urged to retire to a more salubrious locality in the mountains, rather than take the risks of the yellow fever; but Mr. Pollock was too good a soldier, too ardently devoted to the interests of fellow-countrymen, to act upon this advice. He literally sacrificed his own life rather than give even a color to an appearance of neglecting any of his duties.

Being familiar with the circumstances of the situation, I do not hesitate to express the opinion, maturely arrived at, that Mr. Pollock's life would have been saved to his family and country if he had taken a vacation at the time his physician and friends urged this duty upon him.

LEWIS BAKER.

On this 6th day of November, A. D. 1896, personally appeared before me Lewis Baker, United States minister to Nicaragua, Costa Rica, and Salvador, personally known to me to be the party represented, and made oath in due form of law to the truth of the foregoing statement subscribed by him in my presence.

[SEAL.]

GEO. R. MARBLE, *Notary Public.*

No. 3.—*Affidavit of Charles M. Thomas.*

UNITED STATES NAVAL HOME,
Philadelphia, Pa., July 1, 1896.

To all whom it may concern:

This is to certify that during the period of my command of the U. S. S. *Bennington* I was ordered by the honorable Secretary of the Navy to proceed from the United States navy-yard, Mare Island, Cal., in the early part of May, 1894, to La Libertad, Salvador, for the purpose of protecting American interests during the progress of the revolution against the Ezeta Government.

The *Bennington* arrived off La Libertad about the middle of May and remained until July 25, a period of sixty-five days, and during this exciting time the Ezeta Government was overthrown, the President, Carlos Ezeta, fled to Panama in a German merchant steamer, and his brother, Antonio Ezeta, the general commanding the defeated army, with several of his officers, became refugees upon the vessel I had the honor to command.

The United States minister, Mr. Baker, accredited to Salvador, Nicaragua, and Costa Rica, was at his central post, Managua, Nicaragua, so the interests of American citizens in Salvador were exclusively in the hands of Mr. Alexander L. Pollock, the United States consul at San Salvador, the capital of the country.

My official duties brought me into close and confidential relations with Mr. Pollock, and it gives me pleasure to bear witness to the excellent diplomacy exhibited by him, the tact with which he handled a most excitable people during a most trying period, and his great success in guarding the interests of all American citizens resident in Salvador.

Mr. Pollock was held in high esteem by the officials of the overthrown Ezeta Government and by the successful Gutierrez Government, and commanded the respect of both factions.

The consul and myself worked together in perfect harmony, and his dignity of character, high order of intelligence, and faithful discharge of duty won the warmest admiration of myself and the officers under my command.

The large number of unburied dead fallen upon the field of battle in the vicinity of San Salvador undoubtedly aggravated the bad sanitary condition of the country, and, in the opinion of the best medical authorities, the surgeon of the *Bennington* included, was the direct cause of an epidemic of yellow fever to which Mr. Pollock fell a victim, literally dying at the post of duty.

Just previous to the departure of the *Bennington* from La Libertad a low type of malarial fever developed on board, becoming epidemic, and one case was pronounced to be yellow fever. The surgeon of the ship was sick with the fever and was unable to attend to duty.

During this critical period Mr. Pollock was untiring in his efforts to procure medical aid, and succeeded in obtaining an order from the Secretary of War of the successful revolutionary Government detailing a native surgeon to visit the sick on board

my ship, and later succeeded in sending to our aid a most competent American physician from San Salvador.

CHAS. M. THOMAS,
Commander, U. S. N.

Sworn and subscribed before me this 1st day of June, A. D. 1896.

[SEAL.]

C. W. CROASDILL, *Notary Public.*

No. 4.—*Affidavit of Isabella L. Dunkinson.*

DISTRICT OF COLUMBIA, ss:

On this 28th day of May, A. D. 1896, personally appeared before me, a notary public in and for the District of Columbia aforesaid, Isabella L. Dunkinson, who is personally known to me, and whose statements are entitled to faith and credit, and who being by me duly sworn, according to law, declares as follows:

I knew Mrs. Pollock and her late husband, Alexander L. Pollock, in Central America for several months, and spent some time with them at the consulate, afterwards went with her and the English consul's wife to the finca (coffee plantation) of Don Manuel Prieto, where Mr. Pollock had sent his family to escape prevailing plague. We were at the finca three weeks before Mr. Pollock's sickness during which time he came up Saturday evenings and returned Monday mornings following.

I have often heard him cautioned of the danger he was in, staying as he did in San Salvador, but he could not be persuaded to leave his post nor take one hour's rest, as he claimed that it would jeopardize the lives of Americans, and important questions between the two countries required his constant attention, and he could not leave without sacrificing the lives of others.

During our stay at the finca was the only peaceful time we saw in nine months.

On his last visit to his family at the finca, Mr. Pollock seemed loath to leave on Monday morning, but neither his wife nor any of us could persuade him to stay, even a single day.

I heard him request his wife to come into San Salvador on the following Wednesday, and she tried to persuade him to come out there instead, and it was agreed that in case he could not come, would send word to her.

I have been credibly informed that he was taken down with yellow fever, one hour after he left, and begged that his wife be sent for immediately, notwithstanding this appeal, she did not receive the information until Wednesday morning, when she sent one of the boys to town for the message, and during this time she was within an hour's ride, but on account of the negligence of the people there, she was not notified.

Mrs. Pollock received word about 10 o'clock and left five minutes later on a mule, to go to her husband.

She left me \$4, and requested me to take care of her children for her, saying that she would send more money.

As no money came, I sent down and found that she could not send anything, being in quarantine, but that she had called across the street to a man she knew, to borrow certain money and take it to her children, but he had gone on a drunken spree with the money, while Mrs. Pollock supposed that they had gotten it.

For nearly two months we were entirely out of food, and lived for a time on the seed of a certain plant which we cooked.

During this time we were in a deplorable condition, myself and three children left alone among savage Indians, whose language we did not even know. We were entirely at their mercy; not even lock, bolt, or bar to any door or window.

During the tropical rains it was as much as one's life was worth to venture out on the mountains, for fear of being washed over the cliffs.

The eighth day after Mrs. Pollock left me, having heard nothing from her, I sent Channing into the city for news and to get some money. On his return he told me that he saw his mother standing in the door, and she screamed to him in terror to turn back; that his father was dying of yellow fever and that he must not expose himself and the others to it.

Mr. Pollock died the following day, and was buried the same day.

The morning of the day he died I sent the boys into the nearest town, and on their return they told me that the town was draped in mourning for some minister, but they did not know that it was for their father, as it afterwards proved to be.

It was impossible for us to get aid now from any source, and we were left entirely at the mercy of the Indians, by whom we were surrounded.

We were not informed of Mr. Pollock's death until four or five days after the funeral, when a drunken man came up with that information and told us that Mrs. Pollock was down with the fever and not expected to live.

The weeks of suspense that followed during her terrible illness can hardly be imagined. Left alone with three children, whose father had just died, and the

mother dying, without food, without anyone to lend a helping hand, and in constant fear of our lives.

Channing and myself were taken with some kind of fever, and were three weeks without any medical treatment whatever. An old Indian used to come with berries and say prayers over them for us.

During this time the smaller boy and girl kept house, until they also came down with the fever, and we gave up in despair.

Then followed a period of unconsciousness, from which I was awakened or roused one afternoon about 4 o'clock by Mrs. Campbell, who told me that she thought she would never arouse us. We seemed to have no sense, and could not stand on our feet. She brought some little food, and after giving us some nourishment, told me that Mrs. Pollock was dying. This was overheard by the boys, and the suspense was terrible.

A short time after this a letter was received stating that Mrs. Pollock had been moved out of the scene of the dying to Santa Tecla, as a last hope for her recovery, and to go at once to her with the children.

After a very rough trip, joined her that night, and her own children passed her by without recognizing her, she was so changed by her terrible illness, having been at death's door for two months, and forbidden to lift her hand.

She talked a great deal with me, and insisted that it did her no harm, but it brought on a relapse, and for one day and night it took the combined efforts of several women, four doctors, and myself to keep her alive. The following morning at daybreak the physician in charge ordered her to be moved at 6 o'clock to the steamer, and that delay meant death.

She had burned many things of value, and left behind her valuable works of art, clothing, and four weeks' washing wet in the tubs, carrying with her only the clothes she had on, and without hat or wrap.

She was lifted out of bed and put in a wagon, on pillows, and drawn by six mules, with two oxen behind to prevent slipping over the cliffs, and was carried 10 miles over the rough roads of the Andes Mountains.

We arrived at La Saba, where we took train for Sonsonati, the hottest and dirtiest place on earth. She was taken from the train in a blinding rain and carried three blocks to the hotel, where she fainted dead away, was put to bed, clothing dried, and after she was made comfortable went to see about steamer, which was reported five days late. As the doctor had stated that her only chance was to get the sea air, it was a serious question whether she could possibly be kept alive until the steamer arrived.

The next day Mrs. Pollock's oldest son, Channing, was taken down with fever and was very ill; could get no doctor in the place, and had to send to the next town for them. We were in constant fear of report getting out that he had yellow fever, as we would have been put out in the street without a shelter of any kind.

Under the excitement Mrs. Pollock left her bed, and I have seen her tear a cloth into strips and sew them together again and again. She was taking heart medicine every hour, and any exertion meant death to her.

On the day that the steamer arrived sent to secure berths, but the doctor said that it meant death to the boy to move him, and it was death to the mother to remain.

We should have taken the train that left at 10 o'clock, but could not decide what to do. The train at 1 o'clock was our last chance, and up to ten minutes of the time the doctor had not consented.

Mrs. Pollock and the consular agent made up their minds that it was best to go, and they were both dragged to the boat.

The captain of the steamer knew Mrs. Pollock, and threw up his hands when she was taken aboard, as he thought her dead, and told her that her death had been reported all over the United States two months before.

We had to take the boat going south to Corinto, to avoid the quarantine of Guatemala, and take boat there for San Francisco.

I met friends on the boat, who persuaded me to go with them to New York, and I left Mrs. Pollock in care of Americans at Corinto, and continued my trip on the same boat.

ISABELLA L. DUNKINSON.

Subscribed and sworn to before me the date aforesaid, and I certify that the foregoing statements were typewritten by me from the oral statements of the affiant.

[SEAL.]

GEO. R. MARBLE, *Notary Public*.

No. 5.—*Affidavit of Verona E. Pollock.*

DISTRICT OF COLUMBIA, ss:

On this 25th day of May, A. D. 1896, personally appeared before me, a notary public in and for the District of Columbia aforesaid, Verona E. Pollock, personally well

known to me to be reputable, and whose statements are entitled to full faith and credit, and who, being by me duly sworn according to law, declares as follows:

That I am the widow of the late Alexander L. Pollock, who was commissioned United States consul to San Salvador, Republic of Salvador, Central America, September 23, 1893, from Utah.

Mr. Pollock arrived at his post December 25, 1893, and assumed the duties of his position January 5, 1894.

I was in Washington before Mr. Pollock received his commission, and while at the Department of State was assured by Secretary Gresham and Assistant Secretary Quincy that San Salvador was a desirable place, and was free from yellow fever, and at that time I told them that if such was not the case that the President's salary would not tempt us to go there, as Mr. Pollock was a great sufferer from an incurable wound and could not afford to take the chances, and our family of children could not be exposed to any such danger.

They assured me that the climate was healthful and beautiful, and Mr. Quincy was especially anxious for Mr. Pollock to go there, as he knew from his indorsers and indorsements that he was a man of great capabilities, and the duties at Salvador called for a diplomat.

Mr. Pollock was greatly disappointed on arriving at his post, but as it seemed healthful and peaceful at that time he sent for his family, and we joined him there April 7, 1894.

On entering the country I quickly saw that it was no place for white women and children. We had a colony of about fifty Americans, and about five of these were women.

My children had to be kept from school. In the university they would give 20 lashes each to 400 scholars whenever the president deemed it necessary; there was literally no morality in the country, the people were treacherous and semicivilized, and while Salvador was beautiful to look at, there was no pleasure, no food for the mind, and the living expenses were so exorbitant as to keep even the necessities of life from us.

This country is infested with every hideous reptile and insect abiding indoors and out.

We were there during the season of tropical rains, when the town was flooded twelve out of every twenty-four hours.

We lived over wet ground, the water running over the floors of the houses. A pasteboard box left on the floor one hour would leave a mildewed spot, and clothing, not exposed to the sun's rays, would rot in a few days. It can well be imagined what this condition, with the intense heat of the country, would do in accomplishing the breaking down of the constitution, to say nothing of frequent earthquakes and as frequent revolutions and the pestilence of plagues, etc.

In Central America, on account of the trying climate, it is impossible for even the natives to do much work.

Mr. Pollock's duties were comparatively light until the beginning of the revolution. I had hardly been there one week when one of the most bloody revolutions that Central America has ever known was upon us. During this time Mr. Pollock overworked himself and laid himself open to any illness, unless he had rest, which was impossible under existing conditions.

We had made up our minds to leave San Salvador as soon as peace was restored, and either get a change of station or he would resign. It was impossible to make a change during the revolution, as the lives of our fellow-men depended upon his presence, and the negotiations between the two countries kept him constantly at work.

The first report of the revolution came on Sunday morning the 29th of April, when a lot of Americans informed us that the Vice-President had been murdered, and that the neighboring town of Santa Ana had been stormed to the ground.

Men and boys were dragged from their homes, and sent to the front, leaving San Salvador with only women to carry on business, and as the men fell, the President opened the doors of the penitentiary and liberated the convicts to strengthen the Army.

Soldiers were maltreated and did not fight for love of country; to keep them from deserting they were chained as they passed through the town, and when liberated would flee at first opportunity and become fierce demons, burning helpless women and children. If an Indian had a grievance, he took the time of the revolution to get even. Our only protection was our flag, and that was very little protection when drunken Indians would march into the town by thousands. When they came all liquors had to be poured into the street to insure safety.

We passed through several months of this excitement not knowing what might happen, and during this time if we went to the door we were liable to be shot. Mr. Pollock, who had to be out, would be forced to prostrate himself on the ground to escape bullets.

Wealthy natives were dragged from their homes by the police, and forced to put up fabulous sums, presumably for war purposes, and if they refused they were tortured until they consented.

Mr. Pollock has been offered small fortunes by these people for an asylum, but had to refuse to give it.

Foreigners who took part in the war at the overthrow of the government were accused of heinous crimes of which they were not guilty, and it took the best efforts of the consul to save their lives.

The U. S. war ship *Bennington* landed in June at La Libertad, 30 miles from San Salvador, and protected American interests around her. We felt safer on account of her presence in Salvadorian waters, although there was no way she could have offered protection to the consulate, if the worse came, and we could not stand the march to her through bullets and no railroad.

There was a railroad to Acajutla, on which a train with 800 men aboard was wrecked and the President and staff only escaped.

Not only the nervous strain of what is here related, but Mr. Pollock's unceasing work and sympathy for his fellow-men was constantly breaking down his health and preparing him for what was to follow.

In the street in San Salvador I have seen a child 9 years old hashed to pieces because it called "Viva" for the overthrown president.

At night, when all was still, have often seen a poor man taken by with black cap on—which told only too plainly its tale of death—to be shot for some imaginary crime. If a man was dragged from his bed at night his family dared not inquire what had become of him. Mr. Pollock's reports show the details of the revolution and the characters of the leaders of the Government, especially the Vice-President, who murdered men for the sake of seeing the blood flow. The people are far worse than the American Indians, on account of their Spanish blood and being crazed by excessive drinking.

After the revolution the holy holidays came, and the filth that had accumulated for months could not be removed, as nothing could prevent the celebration, and thousands of dollars were spent in revelry. During this time the uncovered dead lay on the battlefields, and the mass of decay mingled with the very water we drank, and that, with the dirt of the city, caused smallpox, yellow fever, and other fatal diseases not known here.

When the plague came we were terrified with fright, and heard men express themselves that they could run from the revolution but could not from plague.

American tramps, who were without shelter, came to the consulate, and with tears in their eyes begged for assistance.

The American people who could afford it fled to the heights to escape plague, but there was no escape for us. I exposed myself and children by stumbling upon a man in my husband's office, whose tongue was hanging out with fever. Mr. Pollock took this man to the hospital, where he died three days later.

Having to run great risk, I remained six weeks, collecting money for our suffering poor, while Mr. Pollock stuck faithfully to his post, ministering to the wants of his fellow-men and straightening out the complications that had arisen during the revolution.

During this time the doctors begged him to flee, as his own condition would not warrant his remaining.

After the plague was over I begged him to get leave and go with me to the United States, if only for the sea trip, as he was fatigued, and when he had partly promised to do so the Americans begged him not to desert them while so much was at stake, and he refused to go, but finally consented, and the leave was asked for.

I went with my children to a finca (coffee plantation) to prepare for the trip and recuperate, and took with me the English consul's wife and an American woman, who had been staying with me in San Salvador.

Although the plague seemed dead, there must have been some germs left in the atmosphere, for three weeks after this Mr. Pollock, in his weak and nervous state, contracted the fever, which was the beginning of the second epidemic, which was much more violent than the first, and only for the vultures and tropical rains—nature's own remedies—the filth of the country would have swept it with the disease.

Mr. Pollock was sick three days before I was notified, and I only got the information then by sending my son into the town to him, and on his return he brought me the information, together with some telegrams that Mr. Pollock had sent me when he was first taken sick, but owing to negligence they had not been forwarded.

I immediately mounted a mule and left for his bedside, leaving my children behind in care of the American woman who went out with me—the English consul's wife had previously left our home.

I found Mr. Pollock bright, although he was suffering greatly; he bitterly condemned the people for not delivering the messages to me. The doctors did all in their power, but the men who were taken up off the street to nurse him had neglected

their duties fearfully; on this, the third day of his illness, I found him, with his clothes on, on a cot, without sheets or pillowcases. I did everything in my power to make him as comfortable as possible, and on the sixth day he, not realizing his condition, wanted to dress and attend the President's reception, on the independence of Salvador, as he felt that it was his duty to be there. We kept him in ignorance of the fact that he was a victim of yellow fever, fearing death from fright.

¶ He passed the crisis of the disease that night, but died on the following Monday, September 17, 1894, on account of complications from strangulated hernia having set in, on the very day that the steamer arrived that was to take his family on the promised trip home.

His death was a horrible one, and I can not but feel that he sacrificed his life for his country, while at his post of duty, and a shot on the field of battle would have been far easier for him, for his children, and for me.

His body turned black immediately, and the attendants could only wrap it in a sheet for burial, and told me to thank God that someone would even do that.

For two hours before he died the black blood gushed from his mouth, and, although in quarantine, the Americans rushed in to soothe his last moments, and I have them to thank that he was not dragged from his cot and quicklived in the ditch, for the watch that patrolled the house during those fearful hours did not mind my feelings, when they inquired every few minutes if he was dead, to accomplish this.

These very people did nothing to suppress the disease, and carried the filth on their bodies and clothing that caused it.

The Spanish doctors who came to that deathbed went to a public ball that same night without even changing their clothes or washing their hands, and danced with women.

A few of the people took a common casket and lined it with zink, that they might hermetically seal it, and into this zink his remains were laid.

After the funeral a great destruction of bedding, clothing, etc., followed to keep down contagion.

This was the first house quarantined, and it was only after the most persistent efforts of Dr. Stubbert, who attended my husband, that any quarantine at all was established.

After the funeral I went as a guest to the English consulate, where I tried to pack the little keepsakes left me, look over my husband's papers, write home to friends, and prepare myself for the death that was to come in all probability.

I was not afraid of the disease, but knew that I had exposed myself to the poison most fatal, and felt that it would be cowardly not to be prepared when it came.

On the fifth day I succumbed to all the agonies of yellow fever and moaned piteously one whole day before medical attendance could be secured. On the third day of my illness the doctors gave me up, but I realized that I had three children in that land, unprotected, and made a hard fight for life.

The English consul's wife, who had been the only friend who had not fled from my bedside, was sent from me.

The plague became so violent that the death carts were going to and fro and people were dragged from their homes, to die on the way to the pesthouses, and those who so bravely stood by my husband in terror deserted me.

The doctors, while giving me the care of physicians, were too busy with the dying to see that their orders were obeyed, and a man whose life my husband had saved, in gratitude took care of me.

I probably would not have recovered had not this man, in gratitude, come to my bedside and saw that I was not neglected. An ignorant Indian maiden was the only woman around me for six weeks, and the whole of my nursing was done by this man and two young medical students, and I was too low to know that a woman's hand was needed.

It is needless for me to describe the horrors of one of the most fearful diseases on record, and will only tell you that for six weeks I lay on a cot, with no other furniture save a chair which stood by my bed for the medicines; in agonizing pain, fearful delirium, and a stomach that threw off the medicines and nourishment every few minutes when given, like coals of fire. I owe my life to burning the back, and for months could not lay my hand over the wounds.

I passed the crisis of the disease on the seventh day, but suffered from fatal relapses. At last I was able to sit by the open window and watch the English consul bring his people into my room to die—those who had been dragged from their homes, and whom he could not see sent to the pesthouse to breathe their last.

At this juncture the American vice-consul came to me and told me that he would not permit me to remain longer amid such scenes, and in five minutes I was taken to a cab and put on a train and sent to Santa Tecla, the next town, where the children joined me, accompanied by the American woman.

The trip proved too much for me, and the following day it took the combined efforts of four doctors to keep me breathing.

The following morning I was ordered to be moved to the steamer, as the sea air was the only chance of saving my life and that delay meant death.

I was put into a wagon, on pillows, and carried a considerable distance over the rough mountain roads to La Saba, where I was put on board a train for Sonsonati; there I was to take the steamer. When I arrived at this place I was carried several squares through a heavy rain, and on arriving at the hotel I lost consciousness. I remember being told that the steamer was several days late, after I regained consciousness; but on the next day, when my oldest boy, Channing, was taken with the fever, thought that I could not possibly stand it—seemed as if I would lose my reason.

The boy was very ill, and when the steamer arrived the doctors said that it would kill the boy to move him.

At first I could not decide what was best to do, but finally decided that our best chance was to make the move, and we were taken by train to the steamer.

The captain of the steamer, whom I knew, threw up his hands as I was being taken aboard, and told me that he never expected to see me alive, that my death was reported in the United States two months before.

The steamer was bound south to Corinto, where it became necessary to go, to avoid the quarantine that had been declared by Gautemala on the north.

We stayed at Corinto eight days waiting for the steamer that was to take us to San Francisco, but during our stay there we were not able to sleep at all at night on account of the scorpions, lizards, rats, and other reptiles, with which the place was overrun.

On the steamer I received every attention, but did not feel any improvement for two weeks, until we reached cold air.

At the time of Mr. Pollock's illness, and mine, my children were left at the coffee plantation, with an American woman, who was the only white person near them. They were exposed to danger among semicivilized people far from assistance of any kind. I was unable to send them money, except by parties not reliable, and have been credibly informed, that they suffered for lack of food and medical attendance, and were ill from their sufferings and anxiety.

I arrived in San Francisco November 15, 1894, and was unable to even write a letter. Friends cared for me like a baby; bought clothing for me, and attended to my business matters.

I left San Francisco on the 1st day of December and rested in Salt Lake City until early in January, when I received a telegram calling me to Kansas, announcing the sudden death of my mother, who had succumbed to the shock of my coming home, after she had supposed me dead so long.

In Salt Lake City and Omaha I was suffering from yellow fever poison and also was compelled to consult physicians on my arrival in Washington in 1895; and to the present writing have been compelled to be constantly in the doctor's care, since that eventful illness in 1894, and with all other ailments, my brain has, until recently, been unfitted for all work; even now the position I am in, caused by circumstances before related, is such as to be considered serious by capable physicians.

Mr. Pollock always provided the very best for his family, but at his death the money he left me was not sufficient for me and mine to long live on, and I am compelled not only to support myself but to educate and care for three children, and I have no one to aid me in this undertaking. I therefore have not only lost a husband and protector, and my children a father, but all means of support.

I have during these twenty months, since my husband died, made every effort to secure work of any kind and have been refused, and am to-day without any means of making a livelihood, without funds, the worry of which, on the top of what I have suffered, unfits me for my daily life.

VERONA E. POLLOCK.

Subscribed and sworn to before me this 25th day of May, A. D. 1896, and I certify that the foregoing statements were dictated to, and typewritten by, me in the city of Washington, D. C.

[SEAL.]

GEO. R. MARBLE, *Notary Public*.

No. 6.—*Affidavit of Camillo H. Machinek.*

WASHINGTON, D. C., February 5, 1897.

Mrs. Verona E. Pollock has been under my professional care since March 1, 1895, at different times. Mrs. Pollock suffered from the effects of yellow fever, and even to this day is not entirely free from it, inasmuch as she has to undergo treatment for the nervous condition which was induced by the yellow fever partly, and partly by the intense mental strain she sustained while at San Salvador. She was incapacitated for any kind of work, mental or physical, for two years following her return from

San Salvador, and it is my belief that Mrs. Pollock will never be absolutely and entirely well again on account of her experience at that place.

CAMILLO H. MACHINEK, M. D.

WASHINGTON, D. C.

No. 7.—*Affidavit of Anton Coe, M. D.*

WASHINGTON, D. C., *February 2, 1897.*

I hereby certify that after several examinations as to the present physical condition of Mrs. V. E. Pollock, I am warranted in pronouncing her as being far from a state of good health. She is at the present time suffering from mental worry producing nerve strain, due, as I believe, to the poisonous effect of the yellow fever contracted at her husband's post of duty. Mrs. Pollock is also suffering from conditions I can not here name, which are aggravated if not caused by the said yellow fever, all of which are liable to produce nervous prostration, unless the utmost precaution is taken. I have advised complete rest from work, and under no condition apply herself to study or mental work, as it will surely break her down.

Respectfully,

ANTON COE, M. D.

No. 8.—*Affidavit of G. W. Perry, M. D.*

WASHINGTON, D. C., *January 30, 1897.*

I have been personally acquainted with Mrs. Verona L. Pollock, widow of Consul Alexander L. Pollock at San Salvador, for more than one year. During this period I have been frequently called to treat her professionally. I have always found her suffering from great nervousness and debility, which, in my opinion, is the direct result of anxiety and distress at the sickness and death of her husband in a foreign country, as well as her own illness contracted while there attending him. She has been unable to earn sufficient means to support herself and family of three children by reason of said infirmities. I have no interest whatever in any claim she may make for pension.

G. W. PERRY, M. D.

Subscribed and sworn before me this 30th day of January, 1897.

[SEAL.]

FRANCIS H. GOODALL,
Notary Public.

No. 9.—*Copy of letter from the United States Consul at San Salvador.*

No. 15.]

CONSULATE OF THE UNITED STATES,
San Salvador, July 27, 1895.

SIR: In answer to dispatch No. 11, July 5, I beg to say that in compliance with request of Mrs. A. L. Pollock, I immediately upon arrival obtained the certificates of Drs. J. E. Stubbett and Gastiozora, showing the actual cause of the death of Mr. Pollock. I gave these to Mr. Dawson, our vice-consul, who was at that time going to the States, and he promised me he would deliver them to Mrs. Pollock. He tells me now that he did not call on Mrs. Pollock, but that he has mailed her the two documents. In regard to the personal property which Mrs. Pollock left with Mr. Dawson, all I can find out about it is that Mr. Dawson has two large boxes marked for Mrs. Pollock, which he says he will send to her address as soon as the charges for freight and the boxing of the articles are paid him.

I am, sir, your obedient servant,

FREDERICK MUNCHMEYER,
United States Consul.

HON. ALVEY A. ADEE,
Acting Secretary, Washington, D. C.

No. 10.—*Copy of letter from Assistant Secretary of State.*

No. 20.]

DEPARTMENT OF STATE,
Washington, June 15, 1896.

SIR: Referring to your dispatch No. 15, of July 27, 1895, you are informed that Mrs. Pollock has just called at the Department to make inquiries regarding her personal property left with Mr. Dawson, the vice-consul.

You will please report the amount which Mr. Dawson claims for boxing the articles. Mrs. Pollock is of the opinion that Mr. Cooper, consular agent at La Libertad,

will pay these charges and take possession of the property. If so, you will see that the boxes are delivered to Mr. Cooper at once. In case the steamship line for San Francisco will convey the goods to that port without charge, Mrs. Pollock desires them sent there; otherwise she wishes Mr. Cooper to communicate with her and inform her of the cost of sending the boxes to New York, and she will make arrangements to pay the charges.

The Department desires that this matter shall be attended to at once and be finally settled.

I am, sir, your obedient servant,

W. W. ROCKHILL,
Assistant Secretary.

OTTO MUNCHMEYER, Esq.,
Consul of the United States, San Salvador.

No. 11.—*Copy of letter from Mrs. Alex. L. Pollock.*

THE GARFIELD,
Washington, D. C., September 9, 1895.

MY DEAR SIR: Your kind favor with inclosed copy of a dispatch from the consul at Salvador was duly received. The papers referred to were sent me a few weeks ago from the State Department. Mr. Dawson, the vice-consul at San Salvador, was here in Washington and called on Mr. Uhl, who requested that he call and see me. Mr. Dawson did not do so, nor did he give these important documents intrusted to him by Mr. Munchmeyer to Mr. Uhl, or mail them to me here, but carried them back with him to Central America, mailing them from there to the State Department, causing months of delay.

When I left Salvador I was too ill to attend to any business matter, and Mr. Dawson promised to send my personal property and the certificates of Mr. Pollock's death on the next steamer. After ten months I received these proofs, but some clothing and valuable paintings are as yet in Salvador. The climate is such there as to damage these goods, so they may be of no use to me. Mr. Dawson informs the consul that when I pay for the shipment and packing he will forward the boxes to me. I told both the consul and Mr. Dawson that all my freight would be sent free of charge over the Pacific Mail Steamship Line from any port in Salvador to San Francisco, where friends would take charge of it. The packing can be only a few dollars and I can not possibly know what amount to send them; but is it necessary that Mr. Dawson wait a year before he gives me his reason for not sending me my things? If the representatives of our Government at Salvador can not show a small courtesy to the widow of the late consul, I beg that the State Department will instruct the consul to ship the boxes that I may pay charges here.

I most heartily thank you for your kindness, and regret that I have had to trouble you.

Very sincerely yours,

Mrs. ALEX L. POLLOCK.

Hon. SECRETARY OF STATE,
Washington, D. C.

No. 12.—*Copy of letter from Lewis Baker.*

No. 750.]

LEGATION OF THE UNITED STATES,
Managua, Nicaragua, January 14, 1897.

SIR: I take the liberty of sending you several inclosures concerning the property of Mrs. Pollock, widow of the late United States consul at San Salvador.

I have the honor to be, sir, your obedient servant,

LEWIS BAKER.

Hon. RICHARD OLNEY,
Secretary of State, Washington, D. C.

No. 13.—*Copy of letter from Mr. J. F. Baker.*

[Inclosure 1.]

Mr. J. F. Baker to Mr. Lewis Baker.

Mr. LEWIS BAKER, *United States Minister.*

SIR: In connection with Department dispatch No. 20 of June 15, addressed to Consul Munchmeyer, San Salvador, and not answered by him, according to his

statement, and the files of his consulate verify the same, I have to state that I made diligent inquiry and industrious search for the property of Mrs. Pollock, as indicated in the Department's dispatch, as well as for other articles mentioned in her letter to this legation of a recent date. My investigations were not rewarded with a satisfactory result. The Department dispatch instructed Consul Munchmeyer to send the Pollock property to the United States, and says, "You will please report the amount which Mr. Dawson claims for boxing the articles." Further the dispatch says: "The Department desires that this matter be attended to at once and finally settled."

I called upon Mr. Dawson and inquired as to the location of the Pollock property left in his charge. He made a lengthy explanation of his connection with it and upon my request that he place the substance of his conversation in writing, he handed me the inclosed signed statement. After talking with Consul Munchmeyer upon the subject, I prepared and read to him the substance of his remarks, which he signed. I hand you herewith a copy of the same.

It appears that the property of Mrs. Pollock has been lost, and there does not seem to be any probability of recovering it.

Consul Otto Munchmeyer claims that he made the following statement in his letter No. 5, addressed to Lewis Baker, United States minister, under date of March 30, 1896, in reply to inquiries from this legation. This letter was never received at this legation, as the files of the office show. I quote as follows:

"As to the personal effects of Mrs. A. L. Pollock, Mr. William Dawson made the statement that he had delivered the two boxes over to the former consul, Frederick Munchmeyer; they were not to be found among the consul's effects, and on making inquiries at the shipping companies of the ports of this Republic if such boxes had been shipped to the States, the answers were, "We have no records that such packages passed through our hands." Mr. Dawson has no receipt to show that he has turned over the boxes to Frederick Munchmeyer. Would you kindly instruct me if the value of said boxes will justify legal proceeding against Mr. Dawson to recover them."

I am, sir,

JOHN F. BAKER.

MANAGUA, January 14, 1897.

No. 14.—Copy of letter from Mr. Otto Munchmeyer.

[Inclosure 2.]

Mr. Otto Munchmeyer to Mr. J. F. Baker.

MR. JOHN F. BAKER,
Secretary United States Legation.

SIR: In reference to your inquiries concerning the property of Mrs. Pollock, which was left by her in charge of G. J. Dawson, at that time United States vice-consul, I have to say that I have made an effort to discover the whereabouts of the property in order to send it to her. Mr. Dawson claimed that he turned the property over to Mr. Frederick Munchmeyer when the latter assumed the duties of the consulate, but he has not been able to show any receipt from Mr. F. Munchmeyer, or other evidence of having done so. All of the property has mysteriously disappeared and I see no hope of recovering it.

I am, sir, etc.,

OTTO MUNCHMEYER,
United States Consul.

SAN SALVADOR, January 2, 1897.

No. 15.—Copy of letter from Mr. G. J. Dawson.

[Inclosure 3.]

Mr. G. J. Dawson to Mr. J. F. Baker.

MR. JOHN F. BAKER,
Secretary United States Legation.

* SIR: In reference to the pictures and other goods which Mrs. Pollock left at the house of the British consul, Mr. Campbell, shortly after the death of her husband and prior to her departure for the United States, I beg to state that, at her request, I bought two large empty boxes, which I sent to Mr. Campbell's with my carpenter to pack said goods and when that was done I had them brought over to the consulate, then at my residence.

Before I had any opportunity of sending the boxes to port for shipment Mr. F. Munchmeyer arrived in the country as consul, and being unable to find in town a suitable house for his office and family I agreed to rent him one-half of the house, which he occupied for several months.

When he took possession of the consulate I delivered over to him the boxes of Mrs. Pollock as part of the goods of the consulate, instructing him to ship them at his earliest convenience. In June, 1895, I left for the United States on business and the boxes were still in his possession. When I returned about the middle of August I found the boxes where I had last seen them. Shortly after my arrival Mr. Munchmeyer left my house taking with him to his new home Mrs. Pollock's boxes as well as my furniture, which I continued to rent to him.

I never saw Mr. Munchmeyer after he left, at his new house, and I don't remember having spoken to him about the aforesaid boxes. What became of them I am quite unable to say. I do not know whether he shipped them or what he did with them. When he died I went to the house where he had lived last to recover my furniture and to take charge of the furniture and goods of the consulate. Mrs. Pollock's boxes were no longer there, and, notwithstanding my efforts in that direction, it has been impossible for me to obtain any trace whatever, either of the cases or of their contents.

I am, sir, etc.,

G. J. DAWSON.

SAN SALVADOR, January 2, 1897.

No. 16.—*Letter from the Secretary of State to Hon. John Sherman.*

[From Senate Report No. 238, first session Forty-ninth Congress.]

DEPARTMENT OF STATE,
Washington, January 11, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, accompanied by a copy of Senate resolution No. 16, Forty-ninth Congress, first session, for the relief of Mrs. Lizzie Maynadier Phelps, widow of Seth Ledyard Phelps, late envoy extraordinary and minister plenipotentiary of the United States to Peru.

Captain Phelps died at Lima June 24, 1885. He was commissioned June 18, 1883, as such minister. His salary has been adjusted up to the date of his death.

While upon the subject of the Senate's resolution, I beg to submit for the consideration of your committee a few observations in connection therewith, without, however, being understood as intending in any manner to influence the committee's report or the Senate's later action.

I find, upon an inspection of the Department records covering the period of Captain Phelps's official services, that they had been discharged with a due regard to the honor, dignity, and interest of the Government, and with commendable fidelity and ability. Besides his duties at his post, which, during the late revolutionary operations of the contending factions in Peru, were exceedingly onerous and difficult, it appears that my immediate predecessor, relying upon the tact and judgment of Captain Phelps, ordered him from Lima on a temporary and confidential mission to Central America. His delicate and important duties there were likewise discharged in such a manner as to secure the entire approval of Mr. Frelinghuysen. Upon the completion of this service Captain Phelps returned to Lima, entered actively upon the performance of his official duties there, and died, as previously stated, while in the Government service.

A few precedents may be here cited to show the action of Congress in similar instances where diplomatic officers have died abroad in the service.

The appropriation act approved March 3, 1879, gave to Mrs. Taylor, widow of Bayard Taylor, who died while minister to Germany, the sum of \$7,000 to compensate his estate for the extraordinary expenses and losses incurred by it in consequence of his death so soon after reaching his post.

The joint resolution approved July 28, 1882, gave to Mrs. Hurlbut, widow of General Hurlbut (Captain Phelps's immediate predecessor), General Hurlbut having died while minister to Peru, one year's salary and legal allowances, after necessary deductions of salary paid.

The joint resolution also approved July 28, 1882, gave to Mrs. Kilpatrick, widow of General Kilpatrick, who died while minister to Chile, one year's salary and legal allowances, after making proper salary deductions.

The joint resolution approved August 1, 1882, gave to Mrs. Garnet, widow of the Rev. Henry Highland Garnet, who died while minister to Liberia, one year's salary and legal allowances, after deducting the amount received up to his death. Mr. Garnet had only been in Liberia a few weeks.

The deficiency bill approved March 3, 1883, gave to Mrs. Marsh, widow of George

P. Marsh, esq., who died while minister to Italy, the balance of one year's salary reckoned from June 23, 1882.

The act approved December 23, 1884, gave to Mrs. Jane Venable, widow of William E. Venable, esq., who died as minister to Guatemala, the sum of \$5,636.87, being the balance of one year's salary. In this case Mr. Venable was commissioned March 14, 1857, and died at Guatemala August 22 of that year, before presenting his credentials. Consequently the action of Congress dates twenty-seven years after the minister's death.

The deficiency bill approved March 3, 1885, gave to Mrs. Wing, widow of E. Rumsey Wing, esq., who died while minister to Ecuador, and to Mrs. Hunt, widow of William H. Hunt, esq., who died while minister to Russia, a sum equal to six months' salary in each case. Mr. Wing was commissioned minister resident November 16, 1869. Shortly afterwards, however, Congress discontinued the mission to Ecuador.

Under all the circumstances, therefore, I am inclined to the opinion, which, of course, is offered with a due regard to the rights of the committee, that the proposed action of Congress is one both just and worthy of bestowal.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN SHERMAN,

Acting Chairman Committee on Foreign Relations, U. S. Senate.

No. 17.—*Letter from the Secretary of State to the Hon. John Sherman.*

DEPARTMENT OF STATE,

Washington, February 1, 1897.

SIR: I have the honor to acknowledge the receipt, by your reference hither, of a letter addressed to you by your colleague, the Hon. Frank J. Cannon, dated January 28, 1897, wherewith is inclosed copy of Senate bill 3510, Fifty-fourth Congress, second session, for the relief of Mrs. Verona E. Pollock, widow of Alexander L. Pollock, late consul of the United States at San Salvador, Salvador. Mr. Cannon requests a list of the "cases in which the United States has made appropriations to widows or estates of men who died abroad in our diplomatic service."

The Department's letter addressed to you under date of January 11, 1886, recited a number of precedents of the character described by Senator Cannon. It subsequently became Senate Report No. 238, Forty-ninth Congress, first session, and in that form can doubtless be conveniently consulted by you or by Senator Cannon.

Since then Congress has made provision as follows:

1. To Mrs. Lizzie Maynadier Phelps, widow of Capt. Seth Ledyard Phelps, late envoy extraordinary and minister plenipotentiary of the United States to Peru, one year's salary as said minister, from June 25, 1888. (Act of August 3, 1886, U. S. Stat. L., vol. 24, p. 863.)

2. For payment to the heirs of Alexander Clark, late minister and consul-general to Liberia, the amount of one year's salary of said officer, \$4,000. (Act of July 28, 1892, U. S. Stat. L., vol. 27, p. 283.)

3. To be paid to Mrs. Sarah O. Hanna, widow of Bayless W. Hanna, late minister resident and consul-general, and also commissioned envoy extraordinary and minister plenipotentiary to the Argentine Republic, for expenses and loss in bringing said Hanna from Buenos Ayres to the United States after he was attacked by a fatal disease while at his post and in the discharge of his official duties, which said attack rendered him entirely helpless and from which he died after reaching home, \$5,375. (Act of March 3, 1893, U. S. Stat. L., vol. 27, p. 647.)

4. To pay \$1,000 to Mrs. Celeste H. McCoy, of St. Paul, Minn., widow of the Hon. W. D. McCoy, late minister and consul-general of the United States to Liberia. (Act of March 2, 1895, U. S. Stat. L., vol. 29, p. 865.)

5. To pay to Mrs. Eliza Jaqua Gray, widow of Isaac P. Gray, late United States minister to Mexico, \$8,750. (Act of June 8, 1896, p. 268 of Pamphlet Laws, first session Fifty-fourth Congress, 1895-96.)

It may be added that Mr. Pollock took charge of the office of consul at San Salvador January 5, 1894, and that he died there of yellow fever September 17, 1894. The Department's instructions to him and his dispatches indicate that he was an exceptionally good and accomplished officer.

I have the honor to be, sir, your obedient servant,

RICHARD OLNEY.

Hon. FRANK J. CANNON,

United States Senate.

No. 18.—*Letter from the Assistant Secretary of State to the Hon. Frank J. Cannon.*

DEPARTMENT OF STATE,
Washington, February 4, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, in regard to the relief of Mrs. Verona E. Pollock, widow of Alexander L. Pollock, late consul of the United States at San Salvador.

To throw further light upon the situation and to show Mrs. Pollock's right to the relief sought, you request copies of any correspondence with this Department showing that it has undertaken to recover property left by Mrs. Pollock in Salvador when she was brought away, and which she has been unable to have forwarded from there. You also desire an official statement in regard to the political and sanitary condition of Salvador during Mr. Pollock's incumbency of the office of consul and the faithfulness and efficiency with which he performed his duties during that period.

I reply to your first request, I have the honor to say that when her husband died Mrs. Pollock was stricken by the same disease and was brought away from Salvador an invalid, unable to look after the effects which her husband and herself had there. The vice-consul left in charge of the office promised to collect these effects and send them to San Francisco, but he failed to do so, and neither Mrs. Pollock nor the Department has ever been able to get possession of that property or any part of it. From letters from Mrs. Pollock on file in this Department, it appears that among the effects so lost were some valuable pictures which were originals and which can not be replaced. There is no reason to doubt that the loss of this property has been a great hardship upon Mrs. Pollock. As late as July 15, 1896, the Department wrote to Mr. Otto Munchmeyer, our consul at San Salvador, a letter, a copy of which is inclosed, directing him to make a final effort to obtain and forward Mrs. Pollock's personal property.

There is reason to believe that Mr. Dawson, the vice-consul with whom it was left, has not dealt fairly in the matter. He has for some time been out of office. As of possible interest in this connection, I inclose a copy of a letter from Mrs. Pollock of September 9, 1895, in which she refers to the difficulties experienced by her in getting certain of her personal effects, and mentions "some clothing and valuable paintings" which were at the time in Salvador. Since that date the Department undertook to obtain this property or trace its whereabouts, and I inclose for your information a copy of a dispatch just received from the United States minister at Managua, No. 750, of January 14, 1897, from which it will be seen that all efforts in that direction have been fruitless. One sentence from Mr. John W. Baker's very full report to his father—the son being Secretary of legation—is significant. It reads as follows: "It appears that the property of Mrs. Pollock has been lost, and there does not seem to be any probability of recovering it."

Mr. Pollock was consul at San Salvador about nine months, and during that period the revolution against the Ezetas broke out and ran its course. The Ezetas were overthrown. Antonio Ezeta took refuge on the American war vessel *Bennington*. The victorious revolutionary party demanded his body of the consul, Mr. Pollock. Mr. Pollock's firm and prudent conduct during this critical emergency was sustained by the Department. His advice to the commander of the *Bennington* was wise and was evidently valued by that officer. Throughout that trying period Mr. Pollock, though new to the consular service, acted with admirable sagacity and discretion.

When yellow fever became epidemic his reports, intended to give the exact truth, and as far as possible to allay the tendency to panic, were of great value to the sanitary officers of the United States. He stood at his post and gave the Department the exact facts until the disease laid hold upon him and brought his career to an end in a few days. He had requested leave of absence, to be availed of as soon as conditions permitted. He had no thought of abandoning his post until the existing conditions had passed away.

I do not mean to say that the records of the Department show any heroism on the part of Mr. Pollock, but they do show that he performed his duty in a trying time, when a man of less firmness and devotion to duty would have found some excuse to escape from the perils of the situation.

I have the honor to be, sir, your obedient servant,

W. W. ROCKHILL,
Assistant Secretary.

Hon. FRANK J. CANNON,
United States Senate.



PUBLIC BUILDING AT BEAUMONT, TEX.

JANUARY 27, 1898.—Ordered to be printed.

Mr. VEST, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 926.]

The Committee on Public Buildings and Grounds have had under consideration the bill (S. 926) to provide for the erection of a public building at Beaumont, Tex., and submit the following report:

Beaumont, where it is proposed by the pending bill to erect a public building, is a city of about 5,000 inhabitants. It is situated on the Neches River, at the crossing of the Sabine and East Texas Railway with the Texas and New Orleans Railroad, and is rapidly growing in population. A term of the United States court is held at Beaumont, and it is necessary for the accommodation of that court that a building should be erected in which to transact its business and also to conduct the business of the post-office.

The committee therefore report the bill to the Senate, and recommend its passage.



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ADELAIDE H. LAMBERTSON.

JANUARY 27, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 3254.]

The Committee on Pensions, to whom was referred the bill (S. 3254) granting a pension to Adelaide H. Lambertson, have examined the same, and report:

This bill is in behalf of the widow of a soldier who remarried and became widowed a second time. Your committee exercises great caution in this class of cases, having adopted the following rule for its guidance:

This committee will not give consideration to any bill which proposes to restore to the roll the name of a widow of a soldier whose pension was forfeited by remarriage unless she was the wife of a soldier during the war and is now a widow in actual need.

The following are the facts in the case:

The claimant was married October 8, 1857, to Charles H. Kennon, who served as quartermaster sergeant of Company D, Second Regiment Rhode Island Volunteer Cavalry, from December 24, 1862, until his death, May 23, 1863, which occurred in hospital in Louisiana. He left no property, and his widow was pensioned from the time of his death until her marriage, in 1867, with George G. Lambertson, who died December 5, 1870. He left no property to the claimant, and had no children by her.

The claimant is now 65 years of age, and is without property or income except what she receives for teaching in a country district school, and of which increasing physical infirmities may at any time deprive her.

The following affidavit has been filed in connection with the claim:

STATE OF CONNECTICUT, *County of Litchfield*:

GOSHEN, *January 22, 1898.*

Personally appeared before me Lyman Hall, a resident of Goshen aforesaid, who, being duly sworn according to law, deposes and says: That he well and personally knows Adelaide H. Lambertson, widow of Charles H. Kennon, late quartermaster-sergeant Company D, Second Rhode Island Cavalry, who died in the military service of the United States in 1863. That to the best of deponent's knowledge and belief

the said Adelaide H. Lambertson is 65 years of age. That she has in all respects an excellent reputation, and is of excellent character. That she has no property, and that her whole support is \$24 per month, which she receives for teaching in the seventh district school, in the town of Goshen, Conn. That the school is in session but thirty-two weeks in the year, making a total income from this source of \$192 per annum, and that the said Adelaide H. Lambertson is entirely dependent on this income for her maintenance and support.

LYMAN HALL.

Sworn to and subscribed this 22d day of January, 1898, at Goshen, Conn., before me, a notary public for the State of Connecticut.

[SEAL.]

CHAS. J. PORTER, *Notary Public*.

While this widow is not technically in "actual need," it is manifest that a woman who is teaching a country school at the age of 65 years for a salary of less than \$200 per annum is in constant danger of losing that limited support and becoming utterly dependent upon others. At least her present means of support will soon cease.

Your committee therefore recommend the passage of the bill.

○

OLIVER P. GOODING.

JANUARY 27, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 3149.]

The Committee on Pensions, to whom was referred the bill (S. 3149) granting a pension to Oliver P. Gooding, have examined the same, and report:

A similar bill was introduced in the Fifty-fourth Congress, passed the Senate, and was reported favorably in the House of Representatives.

Upon graduating from the United States Military Academy, to which he was appointed upon the recommendation of Thomas A. Hendricks, Oliver P. Gooding entered the military service as second lieutenant, Fourth Infantry, July 1, 1858. He was promoted to be first lieutenant May 7, 1861, captain June 27, 1862, and colonel of the Thirty-first Regiment of Massachusetts Volunteers February 18, 1862. He served as such until honorably discharged November 26, 1864. On May 26, 1866, he was commissioned brigadier-general, to rank as such from March 13, 1865. On July 28, 1866, he was commissioned major-general by brevet, to rank as such from March 30, 1865.

Of his military services the testimony shows Colonel Gooding to have been a dutiful, courageous, and efficient officer. When an important position was to be held and hard fighting to be done Colonel Gooding and the men in his command were always ready to lead. They were the first to land and take possession of New Orleans in May, 1862, and first to advance against Port Hudson in the early months of 1863. During the assault on Port Hudson on Sunday, June 14, 1863, Colonel Gooding was lying with his regiment under a broiling sun in the most trying position in the skirmish line which, for many hours, lay on the ground between a tremendous cannonade from the works in front and those in the rear.

Halbert E. Paine, colonel of the Fourth Wisconsin Volunteers, and subsequently commander of the Second Brigade in the Third Division of the Nineteenth Corps, testifies to the bravery and efficiency of Colonel Gooding, commanding a brigade in the same division. The enemy was attacked at Berwick Bay and driven into Fort Bisland. Colonel

Gooding attacked on the right and Colonel Paine on the center, ending in the capture of the fort. On the 14th of June occurred the general assault on Port Hudson. Some ships' guns of large caliber were in position behind Colonel Gooding's command. Their fire over the heads of his troops was deafening. The day was intensely hot. General Paine considers it probable that the hardships of that campaign seriously affected Colonel Gooding's head and mental condition.

Henry C. Dane, of Boston, Dr. Noble P. Howard, of Greenfield, Ind., and George L. Knox, of Indianapolis, testify from personal knowledge of the physical condition and sufferings of Colonel Gooding from his discharge to the present time; that he returned to Greenfield very much changed. He complained of a roaring in the head resembling the noise of a train of cars, and attributed it to the cannonading at the siege of Port Hudson. Subsequently it became apparent that his mind was affected, and he grew worse as time passed on until he is now insane.

In the opinion of Dr. Howard and of others familiar with the case, Colonel Gooding's present deplorable condition is due to injuries received in the war, as a result of severe cannonading at Port Hudson and subsequent exposures in the Red River expedition.

In view of the above facts the committee are led to the conclusion that Colonel Gooding's present condition of total disability is attributable to his military service, and taking into consideration his long and faithful military record, covering a period of more than six years, your committee recommend that the bill do pass with an amendment striking out "seventy-five" in line 10, and inserting in lieu thereof the word "fifty."

Also amend by striking from lines 9 and 10 the words "on account of injuries received in battle and under fire in the line of duty."



APPLICATIONS FOR INCREASE OF PENSIONS.

JANUARY 27, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany Senate Res. No. 235.]

On the 18th day of January the following resolution was referred to this committee:

Resolved, That the Committee on Pensions be, and they are hereby, directed to inquire and report by what authority the Secretary of the Interior or Commissioner of Pensions refuses to examine and pass on the applications for increase of pension until the expiration of one year after original pension has been granted.

Your committee called before them the Commissioner of Pensions, who made a lengthy statement covering the points at issue, and at the request of the committee filed the following statement:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, January 25, 1898.

SIR: Replying to the following resolution of the Senate and request of your honorable committee, viz:

“Resolved, That the Committee on Pensions be, and they are hereby, directed to inquire and report by what authority the Secretary of the Interior or the Commissioner of Pensions refuses to examine and pass on the applications for increase of pension until the expiration of one year after original pension has been granted or rejected,”

I have the honor to furnish you the following facts:

There are now pending in the Bureau of Pensions something over 650,000 claims; about 200,000 of these are known as “original claims” (for pensions), and the remainder, 450,000, are claims for increases, reratings, restorations, etc.

Naturally these claims should be taken up for adjudication in the order of filing—older dates first—but there are reasons why this is impracticable, viz, incompleteness of claims, lack of evidence, etc.

There has been an effort made to so organize the force employed that all classes of claimants should have consideration. For instance, Mondays, Tuesdays, Wednesdays, and Thursdays of each week the adjudicating divisions (excepting the widows’ sections) are engaged on the examination of and adjudicating “original claims,” and during the six months ending December 31, 1897, there have been allowed 26,046 original pensions—invalid and widows. Fridays and Saturdays of each week the

force (excepting the widows' sections) are engaged on claims for increases, reratings, restorations, etc., and during the same period there have been allowed 21,613 claims of these classes.

This plan, or, as I should say, Bureau practice, was adopted for the purpose of securing better and more systematic work.

The experience of the Bureau is that a considerable per cent of the claimants, so soon as they get their certificates of allowance of pension, file an application for increase and set the machinery in motion to have that increase claim given preference over claims for pension that have been on file pending from one to seven or more years.

During the years 1895-96 and 1897 there were 148,273 claim for increase adjudicated by the Bureau. Of these there were 105,255 rejected, or 71 per cent of all the claims for increase were rejected. For the year 1897 (January 1 to December 31) there were 171,445 claims for increase, reratings, restorations, etc. (aside from originals), filed in the Bureau.

It seems to me, Mr. Chairman, that there need be no further argument or other details presented to the honorable Senate to convince them that the order of the Commissioner of Pensions of December 24, 1897, referred to in your resolution, was issued in the interest of justice to the deserving pension claimant, in the interest of system, discipline, organization, and good office practice. I will say, further, that this order was not issued without full and proper consideration, but it was the result of deliberation and the unanimous approval of the officials of the Bureau. This order comes strictly within the duties and powers of the Commissioner. An order similar precedes it and was in force up to December 24, 1897, providing that no claim for increase should be considered until six months had elapsed after last adjudication.

Very respectfully,

H. CLAY EVANS, *Commissioner.*

Hon. J. H. GALLINGER,

Chairman Committee on Pensions, United States Senate.

EXHIBIT A.

Number of pension claims adjudicated from January 1 to December 31 each year.

Year.	Class of claims.	Allowed.	Rejected.	Adjudicated.
1894..	General law, original	10,141	19,843	80,393
1895..	do	7,945	18,985	
1896..	do	7,804	15,685	
	Total	25,890	54,503	
	Per cent	32	68	
1894..	Act of 1890, original	31,863	51,263	239,014
1895..	do	32,527	45,328	
1896..	do	39,973	38,060	
	Total	104,363	134,651	
	Per cent	44	56	
	Total for three years	130,253	189,154	319,407
	Per cent	40	60	
1894..	General law, increase	10,968	22,711	98,274
1895..	do	9,722	19,624	
1896..	do	12,601	22,648	
	Total	33,291	64,983	
	Per cent	34	66	
1894..	Act of 1890, increase	2,133	10,377	49,990
1895..	do	3,461	17,176	
1896..	do	4,133	12,719	
	Total	9,727	40,272	
	Per cent	20	80	
	Total straight increase for three years	43,018	105,255	148,273
	Per cent		29	

Number of pension claims adjudicated from April 1, 1897, to December 31, 1897 (nine months).

Class of claims.	Allowed.	Rejected.	Adjudicated.
General law, original	7, 275	9, 807	17, 082
Per cent.....	43	57	.....
Act of 1890, original.....	37, 060	21, 224	58, 284
Per cent.....	63	37	.....
Total original	44, 335	31, 031	75, 366
Per cent.....	59	41	.....
General law, increase, etc	8, 649	10, 488	19, 137
Per cent.....	45	55	.....
Act of 1890, increase, etc.....	6, 680	9, 644	16, 324
Per cent.....	41	59	.....
Total increase.....	15, 329	20, 132	35, 461
Per cent.....	43	57	.....

Attention is called to the fact that during the three years 1894, 1895, and 1896 (January 1 to December 31) that of the 319,407 original claims adjudicated there were 189,154 or 60 per cent of them, rejected, while from April 1 to December 31, 1897, of the 75,366 original claims adjudicated only 31,031 (or 41 per cent as against 60 per cent) were rejected; and for the first period (years 1894, 1895, and 1896) there were 148,273 claims for increase that were adjudicated; 105,255 (or 71 per cent) were rejected, while during the second period (April 1 to December 31, 1897) there were 35,461 claims for increase adjudicated; only 20,132 (or 57 per cent against 71 per cent) were rejected.

These comparisons are furnished simply to show that with the present practice in the Bureau great care is being exercised, and when good claims are submitted and a possible link in the chain of evidence missing, instead of rejecting the claim it is sent to the field for further evidence and if practicable completed, and then pension is granted. Fully one-half the time of the Bureau force is spent on claims that are rejected.

About 27,000 new names have been added to the rolls for the six months ending December 31, 1897, by granting original pensions.

As illustrating the frequency in some cases of applications for increase, the following copy of a letter addressed by the Commissioner of Pensions to a Member of the House of Representatives is of interest:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, January 19, 1898.

MY DEAR SIR: In response to your letter of the 15th instant, relative to the claim of Joseph Brandle, late sergeant Company C, Seventeenth Michigan Volunteer Infantry, certificate No. 34920, I have the honor to advise you that his rate of pension was increased to \$17 from April 3, 1884, for gunshot wound of right eye and resulting disease of left eye.

He filed an application for increase June 9, 1885, which was rejected January 5, 1886, on the ground that an increased disability was not shown on medical examination. Another application was filed November 9, 1886, which was rejected January 14, 1887, on the same grounds. Still another application was filed October 19, 1887, and a certificate was issued to include rheumatism as an additional disability, but as the combined causes of disability did not warrant the next highest rate (\$24) no increase could be allowed on that issue.

Upon an appeal to the Secretary of the Interior made by the claimant the action of this Bureau was affirmed April 30, 1891.

An application for increase, filed December 19, 1891, was rejected September 29, 1893. Another application for increase, filed August 13, 1895, was rejected February 8, 1896.

On April 27, 1896, the claimant again appealed to the Secretary of the Interior from the rejection of his claim for increase, and under date of June 30, 1896, the Secretary affirmed the action of this Bureau, holding that his disability from disease of left eye and rheumatism is comparatively slight, and not enough to warrant a higher rating when taken in connection with the loss of right eye.

The claimant filed another application for increase December 21, 1896, and under this application he was examined by the Hillsdale, Mich., board of surgeons on

March 17, 1897, and also by Dr. Hughes July 27, 1897, who is a specialist in diseases of the eye and ear. No increased disability having been found on these two examinations, his claim was again rejected September 4, 1897.

On October 22, 1897, he filed another application for increase, and as it was not reached for action in its regular turn prior to the issuance of my order of December 24, 1897, that claims for increase of pension will not be considered within twelve months from the last action, the case falls within the scope of the order.

The history of this case as delineated herein shows the necessity of an order of this nature. Since the date when his rate was increased to \$17 per month, he has been examined by seventeen different surgeons and no increase of disability has been found.

Many thousands of original claims are pending in the Bureau, in which no pension has ever been granted, and the persistent applications for increase in cases like the one under consideration have heretofore greatly retarded action in original claims. It does not appear that the interests of this pensioner have been neglected by this Bureau, or that it would work an injustice to him to delay the consideration of his present application for twelve months after the date of the last action, when he has been afforded an opportunity to establish his right to an increase by two medical examinations during the past year.

It is believed that in the interests of justice the applications of those who are now in the enjoyment of a large pension should not be given consideration to the exclusion of equally meritorious claims of those who have not yet been pensioned, and that the rule established on December 24, 1897, should be adhered to.

I may state that the said order is similar in its terms to previous orders issued by former Commissioners, except that the time has been extended from six months to twelve months, on account of existing conditions indicated herein.

In this connection I desire to invite your attention to the fact that during the period from April 1, 1897, to December 31, 1897, there were filed in this Bureau 72,262 applications for increase under the general law and 74,170 applications for increase under the act of June 27, 1890; a total of 146,432.

In the adjudication of increase claims during the past four years it is found that of the number of such claims adjudicated under the general law 64 per cent were rejected and of those adjudicated under the act of June 27, 1890, 75 per cent were rejected.

During the six months commencing July 1, 1897, and ending December 31, 1897, this Bureau allowed 25,646 original claims and 47,663 claims for increase, restoration, etc.

These figures are presented for your consideration with a view of demonstrating the fact that of every 100 claims for increase which have received the attention of the Bureau during the last four years 68 were found to be without merit; and when it is apparent that the time and labor involved in the consideration of a claim that is rejected is as great as in one that is allowed it will be readily seen that a large part of the work on this class of claims is of no benefit to claimants in general.

On the other hand, it is clearly shown that there is no unjust discrimination against claimants for increase, as the allowances for the past six months show that nearly twice as many increase claims were allowed as original claims.

It has been found impracticable to take up the large number of applications for increase at an earlier period than that named in my order without doing great injustice to the many thousands of meritorious claimants who have not as yet been permitted to share in the enjoyment of the nation's bounty so generously provided for its defenders.

Very respectfully,

H. CLAY EVANS,
Commissioner.

Hon. A. M. TODD,
House of Representatives.

As a further illustration of the persistence with which some claims for increase are pressed, the case of Jonathan C. Calhoun, Company F, Fortieth New York Infantry (certificate No. 118440), is a striking illustration. The record is as follows:

Certificate No. 118440, Jonathan C. Calhoun, Company F, Fortieth New York Infantry.

The original declaration in this claim was filed June 18, 1864. The case was rejected July 12, 1864.

A second declaration was filed January 5, 1866, and a third was filed June 8, 1871. It was reconsidered and allowed February 29, 1872.

Since that he has filed the following declarations for increase and additional disabilities:

Oct. 23, 1873.	Nov. 18, 1880.	Aug. 17, 1886.	June 23, 1891.
Jan. 26, 1877.	Oct. 23, 1883.	Apr. 14, 1887.	Jan. 21, 1893.
Mar. 18, 1878.	July 1, 1884.	Mar. 3, 1888.	Sept. 27, 1895.
Jan. 5, 1880.	May 11, 1885.	May 20, 1889.	Mar. 27, 1897.

Final action was taken in the above case on the following dates:

July 12, 1864.	Apr. 8, 1880.	July 5, 1887.	Oct. 18, 1893.
Feb. 29, 1872.	Jan. 24, 1881.	Apr. 29, 1889.	Mar. 15, 1894.
Jan. 29, 1874.	Feb. 26, 1884.	Mar. 29, 1890.	June 20, 1896.
Mar. 15, 1877.	Oct. 9, 1884.	Mar. 23, 1891.	
Apr. 19, 1878.	Aug. 10, 1885.	Aug. 17, 1892.	

Increase now pending.

The pensioner in this claim has been examined before a board of examining surgeons of the Bureau upon twenty-three different occasions, as follows:

June 15, 1864.	Apr. 2, 1878.	Apr. 20, 1887.	June 11, 1892.
Sept. 6, 1871.	Feb. 11, 1880.	May 2, 1888.	Mar. 21, 1893.
Sept. 5, 1873.	Dec. 8, 1880.	Feb. 27, 1889.	Feb. 7, 1894.
Sept. 24, 1875.	Nov. 21, 1883.	Apr. 13, 1889.	Jan. 16, 1896.
Feb. 5, 1877.	Sept. 10, 1884.	Oct. 10, 1890.	July 16, 1897.
Sept. 25, 1877.	July 22, 1885.	Sept. 18, 1891.	

It must be kept in mind that there are now about 200,000 applications before the Pension Bureau for original pensions, and 450,000 for increase of pensions. It is manifest that some rule of action must govern the Commissioner, to the end that justice be done to all parties. For this reason the Commissioner has adopted the rule that when an application for increase has been rejected another application will not be considered until twelve months have elapsed, the time being extended from six to twelve months, the shorter period having been the rule heretofore.

Your committee are of opinion that the Commissioner has ample authority to make and enforce such a rule, and as it seems to be clearly in the interest of soldiers and widows who have not as yet received any pension the wisdom of the order is self evident.

BRANCH OF NATIONAL SOLDIERS' HOME FOR DISABLED
VOLUNTEER SOLDIERS AT HOT SPRINGS, S. DAK.

JANUARY 27, 1898.—Ordered to be printed.

Mr. SEWELL, from the Committee on Military Affairs, submitted the
following

REPORT:

[To accompany S. 366.]

The Committee on Military Affairs, to whom was referred the bill (S. 366) for the establishment, control, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, having had the same under consideration, report it back with a recommendation that it do pass.

In addition to the very full report made in the last Congress, which your committee adopt as part of their own, a letter of Assistant Inspector-General Averell, dated January 8, 1898, is made a part of their report.

Senate Report No. 1085, Fifty-fourth Congress, first session.

Mr. SEWELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 2791.]

The Committee on Military Affairs, to whom was referred the bill (S. 2791) for the establishment, control, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, having had the same under consideration, report it back with a recommendation that it do pass.

As is expressed in its title, this measure provides for the erection of a Branch of the National Home for Disabled Volunteer Soldiers at the city of Hot Springs, State of South Dakota. It is a location possessing advantages that can not elsewhere be acquired—advantages provided by nature and so rare in their combination that they are duplicated in only a few instances the world over. From the surrounding hills come forth unfailing streams of water, medicated and tempered in the great laboratory of subterranean earth, endowed with health-giving properties in relative proportions so exact that man, with all the skill that scientific knowledge imparts, may strive in vain to improve upon, and at last can only imitate. It is the product of centuries of processes—a part of the grand scheme of nature, which, in preparing the earth for man's habitation, made provision also to combat the ills to which man has fallen heir.

As a site for the proposed Home the citizens of Hot Springs agree to donate ground sufficient for all the needs of the Home, and to give a deed of perpetual lease of one or more of the medicinal hot springs which there abound. Under the provisions of the bill both the Home site and the spring or springs are to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers, the donors of the property agreeing to abide by the choice of that organization. It is also provided that the Board of Managers are to have exclusive jurisdiction over the property.

In presenting a favorable report upon the measure your committee bases its conclusions upon these propositions:

(1) That another Branch Home is needed in fulfillment of the intentions of the Government toward its veterans, existing Homes being crowded, while the demand for accommodations is increasing.

(2) That the location of a Branch Home at Hot Springs, S. Dak., will accommodate the veterans of a region for which existing accessible Branch Homes possess inadequate facilities.

(3) That the medicinal water at Hot Springs, S. Dak., is a curative agent for ailments most common among ex-soldiers, experience having demonstrated this to the satisfaction of the officials who have watched the effect in a stated number of cases there subjected to experimental treatment.

The bill which is made the subject of this report was referred by your committee to the War Department and by the War Department to Gen. W. B. Franklin, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers. In response to the War Department reference, General Franklin reports as follows:

HARTFORD CONN., *April 27, 1896.*

SIR: I return herewith Senate bill No. 2791, for the erection and maintenance of the Northern Branch of the Home for Disabled Volunteer Soldiers, at Hot Springs, S. Dak.

There is no question in my mind that another Branch of the National Home for Disabled Volunteer Soldiers should be established in the territory between the Mississippi and the summit of the Rocky Mountains, that one now in existence being constantly overcrowded and unable to meet the requirements.

The location at Hot Springs is an eligible one, and with the appropriation a hospital could be erected which would relieve the hospitals of the other Branches at once, and form the nucleus of a larger branch should one be required.

Senate bill No. 2791 is herewith respectfully returned.

Respectfully, yours,

W. B. FRANKLIN,

President Board of Managers National Home for Disabled Volunteer Soldiers.

HON. DANIEL S. LAMONT,

Secretary of War, Washington, D. C.

On the 4th of April last, the chairman of the Senate Committee on Indian Affairs (Mr. Pettigrew) addressed a letter to General Franklin on the subject of the bill under consideration, and to that letter General Franklin replied in the following terms:

HARTFORD, CONN., *April 7, 1896.*

MY DEAR SIR: I have received your letter of the 4th instant, on the branch of the National Home contemplated at Hot Springs, S. Dak.

A similar bill, H. R. 784, Fifty-fourth Congress, had been referred to me some time ago by the Secretary of War, from one of the Congressional military committees. The following is a copy of my indorsement on the bill, and I ought to say that my opinion was given as a member of the Board of Managers, merely, and is not necessarily the opinion of the Board:

HARTFORD, CONN., *February 11, 1896.*

SIR: I respectfully acknowledge receipt of H. R. bill 784, Fifty-fourth Congress, first session, for the establishment, etc., of a hospital as a sanitarium branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, referred to me for remark.

I am of opinion that it is desirable that another branch of the National Home be established in one of the States west of the Mississippi River to supplement that at Leavenworth, established in 1884, but now overcrowded, and I know of no objection to the site proposed. It may be that the use of the hot springs would be an advantage, but I am unable to speak technically of that advantage.

I think the bill would be improved by not specifying the name "hospital," but by making it simply a branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, as the name of the institution.

The appropriation is not large enough. One hundred and fifty thousand dollars is the smallest that has been appropriated, in my experience, for the construction of a branch Home.

The condition as to donation of land and springs to the institution seems correct. The second section of the bill does not, I think, need change. The bill is herewith returned.

Respectfully, yours,

W. B. FRANKLIN,

*President Board of Managers National Home
for Disabled Volunteer Soldiers.*

HON. DANIEL S. LAMONT,

Secretary of War, Washington, D. C.

I think it will be well to have the name left blank, or to simply call it the Northern Branch, National Home for Disabled Volunteer Soldiers, and I also think the amount to be appropriated should be \$150,000 for the construction of the branch, in the first instance.

Respectfully, yours,

W. B. FRANKLIN,
*President Board of Managers National Home
for Disabled Volunteer Soldiers.*

Hon. R. F. PETTIGREW,
*Chairman Committee on Indian Affairs,
United States Senate, Washington, D. C.*

We have in these two communications a full indorsement of the bill for the erection of a Branch Home at Hot Springs by the president of the Board of Managers of the National Home. He approves of the location of the proposed Branch Home, and testifies to the necessity for another institution of that character for the relief of overcrowded Homes. General Franklin refers particularly to the opportunity here presented for the erection of a Branch Home with a view to future enlargement, should the exigencies of the service demand increased facilities. It appears, from the information obtained by your committee, that existing Homes are not susceptible of enlargement upon the basis of plans adopted and put in force.

Gen. W. W. Averell, assistant inspector-general of the National Home for Disabled Volunteer Soldiers, in a letter to Senator Pettigrew, of South Dakota, under date of February 13 last, says:

It may be well to mention that all the Branches of the Home this side of the Rocky Mountains are crowded, and they can not be enlarged for a greater population without a troublesome and expensive extension of their plants for cooking, heating, laundry, etc., which are now strained to their full capacity.

General Franklin doubtless had these conditions in view when he said, in his report to the Secretary of War, April 27, 1896:

The location at Hot Springs is an eligible one, and with the appropriation a hospital could be erected which would relieve the hospitals of the other Branches at once, and form the nucleus of a larger Branch, should one be required.

The demand upon the facilities of these homes of refuge is a growing one, and will increase rapidly for a number of years. The defenders of the nation have reached an age when many of them must succumb to physical disability and disease, and those whose declining years are attended by too frequent poverty must place themselves under the bounty of the nation. The importance, therefore, of a Branch Home that can be readily expanded to adapt itself to augmented numbers is apparent.

Regarding the curative properties of the medicinal waters of the Hot Springs your committee desires to speak at length. These springs were the resort of the Indians long before the white man found his way into the jealously guarded realm of the Black Hill's country, and were considered by the aborigine as a panacea for all diseases. Their fame had penetrated the confines of civilization long before the advancing wave of white settlement had swept back the line of opposition and driven the Indians from their last rallying point. As soon as the Anglo-Saxon had possessed himself of this long-contested ground, business methods began to be applied to the medicinal springs. They were made available to the public, their properties ascertained, and their curative qualities proclaimed. An extensive hotel was erected, baths constructed, and conveniences for the sick provided. In 1879 the State of South Dakota located and erected a Soldiers' Home at Hot Springs, and it is now a large institution, filled with veterans of the late war who reside in South Dakota. The waters of the springs have

been thoroughly tested, and in every instance have been found efficacious.

Official evidence of important facts in connection with these springs comes to your committee in the form of a report from Assistant Inspector-General Averell, who says:

BATH, N. Y., *February 7, 1894.*

DEAR SIR: I have been requested to present to you my views regarding the advisability of and necessity for the establishment of a sanitarium at Hot Springs, S. Dak. Your committee, I presume, has my reports of three visits to the State Home for Disabled Volunteer Soldiers at that place made in 1891, 1892, and 1893, which contain my knowledge of the climate and of the healing qualities of the waters of the Minnekatah or Hot Springs.

The unusual number of members discharged from the State Home during the year by reason of their recovery from the disabilities which had entitled them to its care and benefits first attracted my attention, and subsequently the results of the remarkable test made last year, 1893, upon thirty disabled men selected and sent from the Western Branch of the National Home have induced my belief in the efficacy of the waters of the Hot Springs for rheumatism, sciatica, spinal irritation, and nervous prostration.

The test, which is fully described in my report, was severe, but too brief. It was upon about 30 men, 18 of whom were treated for rheumatism. In the sixty days' test, 8 of them, or 44 per cent of those who were treated for rheumatism, were practically cured, the remainder all benefited, excepting 1, and those suffering from sciatica, spinal irritation, and nervous prostration were improved. I believe the percentage cured would have been doubled with four to six months' treatment. During the year ending June 30, 1893, there were in the Central, Marion, Northwestern, and Western Branches of the National Home an average number sick of 1,590, of which 853, or 53 per cent, were treated for rheumatism in its various forms, acute, subacute, and chronic (articular and muscular). These Branches are the nearest and most accessible to the South Dakota Hot Springs, and if provision were made for the treatment of those 853 members afflicted with rheumatism at the Hot Springs, and 44 per cent of them were cured, there would ensue a saving to the Government of the cost of their maintenance in the Homes, viz, \$52,875, computed upon the per capita cost of \$140.75, per annum, and there would be something added to the producing power of the country.

In the ten State Homes nearest the Hot Springs—Illinois, Ohio, Pennsylvania, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, and Colorado—there were on the 30th of June, 1895, 488 members sick, of whom a much larger proportion, over 400, were treated for rheumatism. Assuming the same percentage of cures, 44, would result from a treatment at Hot Springs, there would be 176 restored to health, and there would follow a saving of \$100 per capita to the Government per annum, or \$17,600. Thus there might be a total saving effected per annum of \$70,000.

If a sanitarium were established at Hot Springs at a cost of \$100,000, and one-half the cases of rheumatism should be cured that might be sent to it for treatment from the most convenient Soldiers' Homes, I have no doubt it would pay for itself within five years after it was ready for occupation, in saving from cost of maintenance in Soldiers' Homes without cure. Without a cent of savings in money, the rescue from pain and misery, and the restoration to health of those men for whose welfare the Government is responsible, would, I believe, fully justify the establishment of the sanitarium.

In this view, it would be an economical undertaking for the public good, which the public would appreciate and approve.

I am, General, very truly, yours,

WM. W. AVERELL, U. S. A.,

Assistant Inspector-General, National Home for Disabled Volunteer Soldiers.

Gen. JOHN C. BLACK,

Chairman Subcommittee on Soldiers' Homes, etc.

The report in detail upon the test cases at Hot Springs, S. Dak., referred to by General Averell, runs as follows:

CASE I.—Andrew J. Arnett, B, Sixth Kansas Infantry. Forwarded to South Dakota July 6, 1893. Locomotor ataxia. Returned to Western Branch July 26. No improvement under treatment.

CASE II.—Nathan J. Axtel, H, Fourteenth Illinois Infantry. Forwarded to South Dakota July 6, 1893. Muscular rheumatism, lumbago, nervous prostration, cystitis. Returned to Western Branch November 9. Rheumatism improved after treatment. Lumbago cured. Cystitis not benefited. Commenced Keeley treatment April 9,

1894, for tobacco; no influence on general health. No treatment in Western Branch Hospital.

CASE III.—Adam P. Baum, E, One hundred and sixteenth Indiana Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism; spinal irritation. Returned to Western Branch November 9. Rheumatism cured. Spinal irritation not materially benefited. Commenced Keeley treatment February 24, 1894. Health now completely restored. Is one of the most competent nurses in hospital at this time.

CASE IV.—Ira D. Chamberlain, D, Seventh Indiana Infantry. Forwarded to South Dakota July 6, 1893. Sciatica. Returned to Western Branch November 9. Since return from South Dakota (under treatment of Home surgeon) showed marked improvement. Used two crutches and suffered continual pain when he commenced treatment; now very much improved; uses only one cane. Now absent with leave at Washington, D. C.

CASE V.—Thomas Concannon, G, Sixty-ninth Illinois Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism and lumbago. Returned to Western Branch November 9. Greatly improved on return. Swellings all gone from hands and feet. Gained in weight and strength. Commenced Keeley treatment February 22, 1894. Physical condition greatly improved.

CASE VI.—Martin W. Cozine, D, Twelfth Missouri Cavalry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Very much improved by treatment. Is now absent with leave from hospital.

CASE VII.—Clark Eldridge, A, Third Rhode Island Cavalry. Forwarded to South Dakota July 6, 1893. Nervous prostration. Returned to Western Branch November 9. Claims to be not improved by treatment. Examination shows less tenderness of spine. Is hypochondriacal. Now in barracks.

CASE VIII.—Charles A. Gifford, H, Fourth Illinois Cavalry. Forwarded to South Dakota July 6, 1893. Diabetes mellitus. Returned to Western Branch November 9. Improved under treatment. Now in convalescent Company K.

CASE IX.—Patrick W. Gilligan, D, Thirteenth Indiana Infantry. Forwarded to South Dakota July 6, 1893. Lumbago; spinal irritation. Returned to Western Branch November 9. Improved under treatment; gained 4½ pounds. Now in barracks.

CASE X.—Gillman D. Grove, United States Navy. Forwarded to South Dakota July 6, 1893. Nervous prostration and lumbago. Returned to Western Branch November 9. Improved under treatment. Now in barracks.

CASE XI.—James Hanson, alias John Kerwin, H, Eleventh United States Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. General improvement in condition. Now in barracks.

CASE XII.—Philander Hudson, D, One hundred and seventh New York Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Greatly improved by treatment. Swellings entirely disappeared from joints. Is now in barracks.

CASE XIII.—William H. Hughes, A, Ninth Ohio Cavalry. Forwarded to South Dakota July 6, 1893. Muscular rheumatism, with spinal irritation. Returned to Western Branch November 9. Rheumatism practically cured. Spinal irritation improved. Commenced Keeley treatment April 23, 1893. Left the Home at his own request July 29, 1893.

CASE XIV.—Thomas W. Jones, I, First California Cavalry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Was considerably improved under treatment. Now in barracks.

CASE XV.—Edward F. Kingsland, H, Second Colorado Cavalry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Greatly improved by treatment. Gained in strength, weight, and appearance. Now in barracks.

CASE XVI.—Alphonzo Longacre, G, One hundred and eighteenth Pennsylvania Infantry. Forwarded to South Dakota July 6, 1893. Locomotor ataxia. Died at Hot Springs, S. Dak., September 1, 1893.

CASE XVII.—John Mahony, C, Forty-third Ohio Infantry. Forwarded to South Dakota July 6, 1893. Muscular rheumatism and lumbago. Returned to Western Branch November 9. Greatly benefited. Pain entirely disappeared from back and shoulders. Gained in weight. Commenced Keeley treatment October 21, 1893. Is now orderly for Home treasurer and in good health.

CASE XVIII.—Albert Mueller, E, Second Illinois Light Artillery. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Great improvement, but still swelling and pain in left ankle and left wrist. Gained in weight.

CASE XIX.—Edward McGloin, E, Third New Jersey Cavalry. Forwarded to

South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Worse than before treatment. Is now in hospital (Western Branch) under treatment.

CASE XX.—Evi T. Nichols, E, First Ohio Light Artillery. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism and lumbago. Returned to Western Branch November 9. Practically a well man; gain of 11 pounds in weight. Now in barracks.

CASE XXI.—Rozell Randall, K, Forty-ninth Wisconsin Infantry. Forwarded to South Dakota July 6, 1893. Nervous prostration. Returned to Western Branch November 9. Marked improvement. Spinal irritation less marked. Now in barracks.

CASE XXII.—Michael Shea, H, Twenty-seventh New Jersey Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Improved in matter of less pain, which was principal reason for sending him to the Springs. Is now in hospital (Western Branch) under treatment.

CASE XXIII.—Patrick A. Somers, F, Two hundred and thirteenth Pennsylvania Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. No better for the treatment. Now in barracks.

CASE XXIV.—Abram Steadman, A, Thirty-first Ohio Infantry. Forwarded to South Dakota July 6, 1893. Chronic rheumatism. Returned to Western Branch November 9. Rheumatism entirely gone. Cystitis no better. Now in hospital (Western Branch) for latter.

CASE XXV.—John Walsh, United States Marine Corps. Forwarded to South Dakota July 6, 1893. Chronic muscular rheumatism. Returned to Western Branch November 9. Some improvement. Legs still painful. Commenced Keeley treatment February 2, 1894. Now in barracks as well as a man of his age could expect to be.

CASE XXVI.—Richard Youmans, hospital steward, United States Army. Forwarded to South Dakota July 6, 1893. Nephritis, lumbago, and rheumatism. Returned to Western Branch November 9. Rheumatism and lumbago both disappeared. Nephritis worse. Now in barracks.

CASE XXVII.—Frederick Zeigler, B, First Missouri Light Artillery. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Rheumatism all gone.

I herewith respectfully submit my final report of the experimental test upon the details sent here (the Hot Springs of South Dakota) July 7, 1893, from the Western Branch National Military Home, Kansas, of the curative properties of the waters and climate of Hot Springs, S. Dak., for certain chronic diseases, the nature and history of which are fully given in detailed report above.

The number of men sent was 30, and time given for the test, sixty days; age of youngest patient, 46 years; oldest, 71 years; average age, 52 years.

As will be observed, the cases of locomotor ataxia, arthritis deformans, and aberration of the mind, conceded to be incurables, and sent only with the hope that some alleviation of suffering might be obtained, as well as others on account of age, poor constitutions, and complication of diseases, makes this an exceedingly severe test; and, contrary to expectations, cures have been effected and permanent benefits secured.

It is to be regretted that incurable cases, such as locomotor ataxia and senile decline, were sent here for two reasons: First, others could have been sent in their places who would have been cured; second, a better average and fuller credit given for cures and the treatment by the waters and the climate of this place.

As will be seen, almost every man was afflicted with rheumatic or nervous troubles, the same being cured in almost every instance. I am satisfied that a careful inspection by the medical board on the return of the men will bear me out in saying that all things considered, age of patients, shattered constitutions of some of them, variety and complication of diseases, and the chronic nature of all, that the result of this test, as shown by detailed report, is in every substantial sense highly satisfactory. A realization of all the claims put forth by the promoters of this experiment as to the virtues of the waters and climate of Hot Springs, S. Dak., and the desirability of this place for the location of a United States sanitarium for the treatment of such chronic diseases as most usually affect the old soldier is fulfilled.

I can not speak too highly of the courtesy and assistance given me by Gen. Joseph Knipe, and the excellent conduct of all men while under my care. Col. E. E. Clough, and the board of managers of the South Dakota Soldiers' Home, Commandant McGrew and wife, and all the officers of the Home have done all in their power to aid in securing the comfort of the men, and many thanks are due them for their untiring efforts to do so much good.

Very respectfully,

R. D. JENNINGS,
Surgeon in Charge.

WESTERN BRANCH NATIONAL HOME
FOR DISABLED VOLUNTEER SOLDIERS,
September 9, 1893.

SIR: I have the honor to transmit herewith my report on the condition before and after treatment of the patients sent to Hot Springs, S. Dak., to test the efficiency of the waters for various diseases.

Very respectfully, etc.,

O. C. McNARY,
Assistant and Acting Surgeon.

Gen. W. W. AVERELL, U. S. A.,
Assistant Inspector-General National Home for Disabled Volunteer Soldiers.

To sum up:

Of the patients suffering from rheumatism and lumbago, eight are practically cured of that disease; the balance, except one, McGloin, are improved. McGloin is worse. Cases of sciatica improved, cases of cystitis were not benefited, cases of spinal irritation improved, cases of nervous prostration improved, cases of diabetes mellitus improved, case of nephritis worse.

Of the cases of locomotor ataxia one, Arnett, was sent home after two weeks on account of an aggravated renewal of the pains, no improvement; and one, Longacre, died at the Springs September 1, 1893.

The treatment by baths and drinking of the waters was supplemented by internal and external medication (in all or most cases, I believe), and in some cases by electricity.

The experiment would have been a better and truer test of the efficacy of the waters had this medication and electricity not been employed. As it is, we can not judge of the true virtues of the water. We can only judge of the results of the treatment employed as they present themselves.

The patients themselves, with two or three exceptions, believe their improvement would have been more perfect and lasting had they remained longer under the treatment. This I believe myself.

However, the benefits received by the patients sent are, in most cases, quite satisfactory.

Very respectfully submitted.

O. C. McNARY,
Assistant and Acting Surgeon.

Your committee have been furnished with a copy of the analysis obtained by the superintendent of the South Dakota Soldiers' Home of the water of three of the springs in the Hot Springs group, and deem it of sufficient importance to incorporate within this report.

An analysis by Prof. G. A. Maringer, chemist, Chicago, resulted as follows:

MINNEKAHTA SPRINGS.

[Constituents, in grains.]

Silica	2.464
Peroxide of iron.....	Trace.
Calcium sulphate.....	16.352
Magnesium sulphate.....	4.320
Sodium sulphate.....	} 25.620
Potassium sulphate.....	
Sodium chloride and potassa.....	13.790
	62.546

Analysis of two of the prominent springs by Prof. Charles B. Gibson, of Chicago, Ill.

MAMMOTH MINERAL WATERS.

[Constituents, in grains, per gallon of 58.329.]

Total residue.....	83.1000
Inorganic and nonvolatile.....	71.0000
Organic and volatile.....	12.1100
Sulphate of sodium.....	23.2628
Sulphate of potassium.....	5.6272
Sulphate of calcium.....	36.1125
Chloride of calcium.....	5.5887
Chloride of ammonium.....	.0291

Chloride of magnesium.....	4.1144
Nitrate of magnesium.....	.3024
Phosphate of magnesium.....	.0996
Carbonate of magnesium.....	3.5057
Iron sesqui-oxide.....	.1490
Alumina.....	.2710
Silica.....	1.5483

LAKOTA OR INDIAN SPRING MINERAL WATER.

[Constituents, in grains, per gallon of 58.329.]

Total residue.....	57.2100
Inorganic and nonvolatile.....	49.1600
Organic and volatile.....	8.0500
Sulphate of sodium.....	8.8241
Sulphate of potassium.....	3.3312
Sulphate of calcium.....	16.2909
Chloride of calcium.....	8.4990
Chloride of ammonium.....	.0491
Chloride of magnesium.....	3.1403
Phosphate of calcium.....	.3110
Nitrate of magnesium.....	.1507
Carbonate of magnesium.....	3.0445
Iron sesqui-oxide.....	.2600
Alumina.....	.0210
Silica.....	1.8300

Commandant Lucas, of the South Dakota Soldiers' Home, located at Hot Springs, in a report to Assistant Inspector-General Averell, says:

After a careful observation of the results in the treatment of our sixty-odd veterans for severe and desperate cases of rheumatism, I am constrained to say that I have no longer doubts about the curative properties of the waters. Every case that has been treated in the Home (not an exception) has resulted in a perfect cure, or the patient is approaching it. These results I regard as little less than miraculous, when the enfeebled and broken-down condition of these men is taken into account. The waters are equally good and effective in treating cases of indigestion, scrofula, and all skin or cutaneous diseases.

The Hot Springs of South Dakota are located in the mountainous western end of the State—a region abounding in delightful scenery and all the health-giving influences of nature in the rough. No more charming surroundings can be found at any of the health resorts of the world. These springs lie within the boundaries of Fall River County, and about them has accumulated a community of a couple of thousand people, incorporated as a city of the second class. Its buildings are constructed with a generous display of architectural skill and taste. The city can be reached over two lines of railway. Its altitude is 3,400 feet above sea level. The atmosphere of that region is dry and bracing. Lying in a sheltered valley it is protected from winter's rigors, and it is altogether a most satisfactory abiding place for invalids or for those in search of recreation.

In closing this report your committee append a preamble and resolution adopted by the managers of the Soldiers' Homes of Colorado, Minnesota, and Kansas, in which the Congressional Representatives of those States are asked to give their support to the bill which is the subject of the favorable action of your committee.

Whereas it is the policy of the National Board of Managers for Disabled Volunteer Soldiers' Homes to provide a sanitarium for the treatment of ex-soldiers who are afflicted with rheumatism and kindred diseases; and

Whereas from the published reports by General Averell and other indisputable evidence it has been demonstrated by thorough and fair tests that the hot water at Hot Springs, S. Dak., cures more than 60 per cent of such cases; and

Whereas an effort is being made to secure the location of such a sanitarium at Hot Springs, S. Dak.; and

Whereas we are satisfied from information furnished us that no better place has been yet discovered: Therefore, be it

Resolved, That we favor the location of a sanitarium at Hot Springs S. Dak., and urge our Representatives in Congress to support and aid in the passage of such bills as may be presented for that purpose.

OFFICE BOARD OF COMMISSIONERS
SOLDIERS AND SAILORS' HOME OF COLORADO,
Room 4, Capitol Building, Denver, December 5, 1895.

The above preamble and resolution were brought before the board and, after due consideration, the secretary was authorized to state on behalf of the board that both were unanimously indorsed and that this action shall form part of the permanent records of the commission.

Attest:

W. P. HARBATTLE, *Secretary*.

The above preamble and resolutions were adopted at a meeting of the board of trustees, Minnesota Soldiers' Home, February 11, 1896.

HENRY A. CARTH, *President*.

J. R. B. BERBERG, *Secretary*.

This is to certify that the board of managers of the Kansas State Soldiers' Home indorsed the foregoing resolution on this 5th day of December, 1895.

By order of the board:

J. H. STEWART, *Secretary*.

Col. C. M. CUNNINGHAM, *Commandant*.

BATH, N. Y., January 8, 1898.

MY DEAR SENATOR: I hear that there is a movement in Congress toward the establishment of a sanitarium at Hot Springs, S. Dak., for the treatment of disabled volunteer soldiers afflicted with rheumatism or other complaints. As I have been inspecting the South Dakota Soldiers' Home at that place annually since 1891, I have had uncommonly good opportunities to note the results of the use of the water by rheumatics. I have seen there many ameliorations and apparent cures of rheumatism.

A considerable percentage of members have been annually discharged from the Home, at their own request, having been cured and having become able to work at manual labor. At my first visit in 1891 I noticed a man painting a dado along the wall ascending the main stairway. He was working rapidly and skillfully and I congratulated the commandant on having so good a workman, and he remarked that the man had been brought into the Home in a blanket only a few weeks before, helpless with rheumatism. This seemed almost incredible, but it invited me to an investigation from which, after two more inspections, came the conviction that I had learned enough to justify the recommendation of a careful, professional, and official test.

This purpose, and the reasons which supported it, were submitted to General Franklin, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and he authorized me to take the action that you may find described in my report of 1893, page 194. In this you will find that thirty members of the Western Branch of the National Home were selected from those who were most afflicted with rheumatism, which in several of the cases was complicated with other diseases, and some were incurable. All were thoroughly and carefully examined by a surgeon of the Home, and the diagnosis of each was recorded before their departure. On their arrival at Hot Springs the thirty members were again carefully examined by another competent surgeon, who made a similar record to the one which had been made at the Western Branch. The same examination and record were made on their departure from Hot Springs and on their return to the Western Branch as was made sixty days before.

These patients remained under treatment only sixty days.

That so many complete cures and great ameliorations of the disease of rheumatism should be effected in a period so brief is at least remarkable, and that when this disease was complicated with other diseases and it alone was eliminated, it is reasonably certain that the water is efficacious for rheumatism.

A description of the locality of Hot Springs and the analysis of the water are given in my annual report of 1891, page 40.

There is a complete set of all my reports in the library of the Military Committee of the House. Rheumatism is one of the most prevalent diseases in the Soldiers' Homes. There is a large percentage of afflicted members who are not incurables and might be cured and restored to industry for a while.

There is no question of the necessity for such a sanitarium. If several hundreds who are afflicted with rheumatism, and not too old to be moved, were sent from the

Homes to an adequate sanitarium at Hot Springs, they would at once make room for worthy, needy, and eligible soldiers who are pressing for admission, and if the sanitarium was full, some of those that were cured might make their way and leave room to be filled with fresh accessions.

With the hope that this important project will receive the favorable consideration of a generous and patriotic Congress, I am, respectfully,

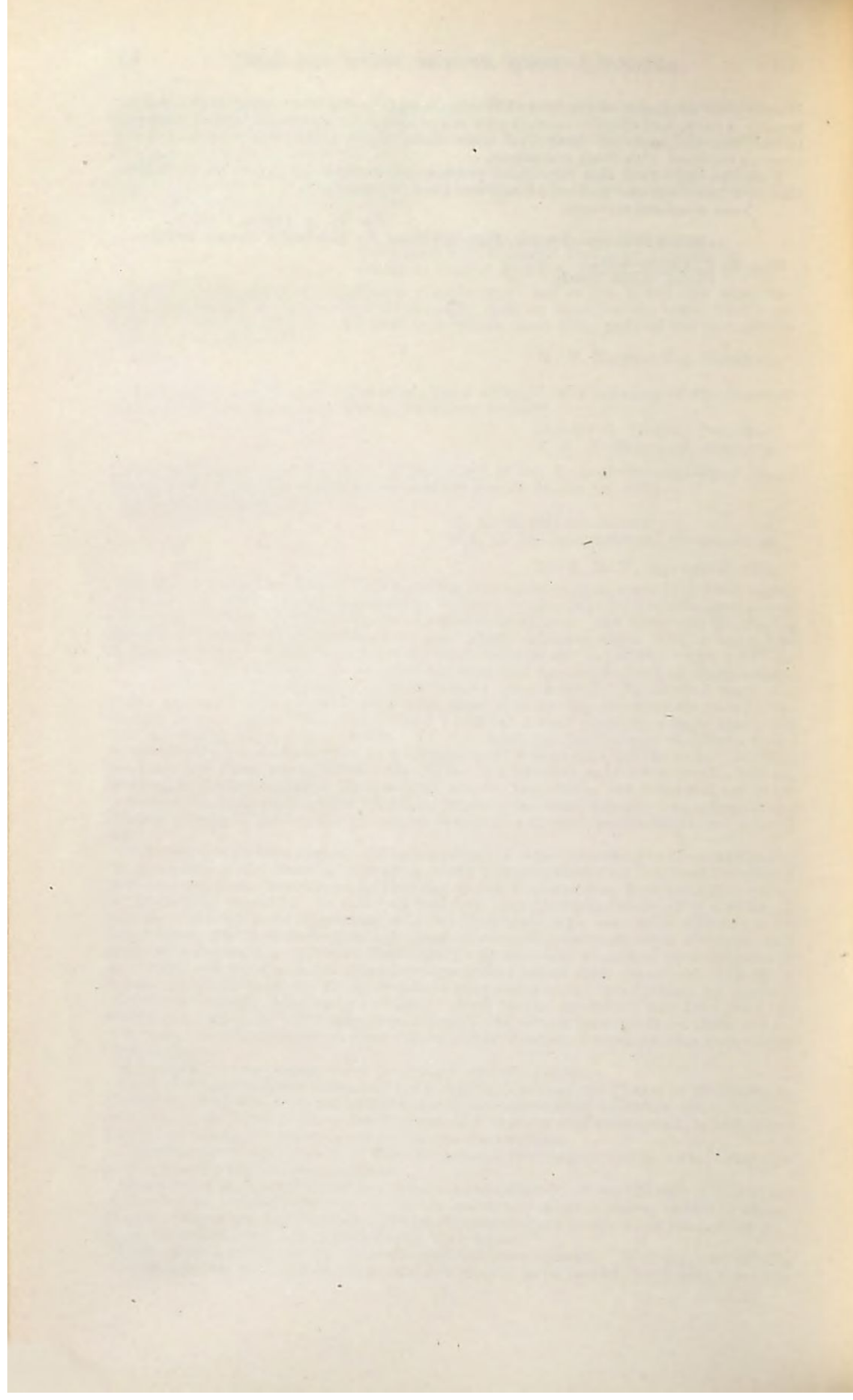
Your obedient servant,

WM. W. AVERELL, U. S. A.,

Assistant Inspector-General, National Home for Disabled Volunteer Soldiers.

Hon. R. F. PETTIGREW,
United States Senate.

○



WILLIAM W. PARK.

JANUARY 27, 1898.—Ordered to be printed.

Mr. SEWELL, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 3356.]

The Committee on Military Affairs, to whom was referred the bill (S. 3356) for the relief of William W. Park, have duly considered the same and submit the following report:

This bill directs the Secretary of War to place the name of William W. Park on the rolls of Company C, Twenty-sixth Regiment Missouri Volunteer Infantry, as having been mustered into the service on the 21st day of September, 1861, and to issue to him an honorable discharge therefrom to date December 10, 1861. The bill, in writing, prior to its introduction, was referred by Mr. Cockrell to the War Department for report and information, and the following letter of December 15 was received:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, December 15, 1897.

SIR: I beg to acknowledge the receipt to-day, by your reference of the petition of William W. Park, of Henry County, Mo., who states that he enlisted in Company C, Twenty-sixth Missouri Infantry Volunteers, on or about September 21, 1861; that he served in that organization until December 10, 1861, when he was discharged therefrom by the captain of his company, W. C. Wiseman; and that his discharge certificate was filed in this Department with an application for the correction of his muster.

In reply to your request for a statement showing when and where Company C, Twenty-sixth Missouri Infantry, was organized; the names of the officers of that company; where and by whom the members of that organization were mustered into service; where the company was on duty from September 21, 1861, to December 10, 1861; the military record of William C. Wiseman; a summary of Mr. Park's application for recognition as a member of that organization, together with all affidavits accompanying it; and a copy of the discharge certificate, together with a verification of the signature of the commanding officer thereon; and any evidence of record showing any military service rendered by the applicant, I have the honor to inform you that the official records show as follows:

Company C, Twenty-sixth Missouri Infantry, was organized as Captain Brown's company (C), Battalion of Sharpshooters, and the members of that company were enlisted at various dates from September 15 to November 26, 1861, at St. Louis, Washington, and California, Mo., and one at Chicago, Ill. The company was mustered into service November 26, 1861, at Benton Barracks, Mo., by Lieut. J. C. Bundy, Kane County, Illinois, Cavalry, and De Witt C. Brown, Jacob Kelly, and Charles Barburg, were mustered into service with the company as captain, first lieutenant, and second lieutenant, respectively. The designation of the organization was changed to Company C, Twenty-sixth Missouri Infantry, in orders dated December 31, 1861. From the date of the completion of the organization by its muster into service, November 26, 1861, to December 10, 1861, it was at St. Louis Arsenal, Mo. Nothing has been found of record to show that W. C. Wiseman was an officer in that company. It appears from the records, however, that Wiley C. Wiseman was enrolled September 21, 1861, and mustered into service December 26, 1861, as first lieutenant, Company I, Twenty-sixth Missouri Infantry; that on December 31, 1861, he was present with his company, and that he died November 18, 1862. His signature has not been found on the records on file in this office.

The name William W. Park has not been found on the rolls on file in this office of Company C or of any other company of the Twenty-sixth Missouri Infantry Volunteers. On May 9, 1893, William W. Park, of Windsor, Henry County, Mo., through his attorneys, Messrs. Travis & Brown, of Crawfordsville, Ind., applied to this Department for his recognition as a member of Company C, Twenty-sixth Missouri Volunteers, declaring that he entered the service of the United States as a private in that company on or about September 21, 1861, and served therein until December 10, 1861, when he was honorably discharged on Capt. W. C. Wiseman's certificate of disability. There was submitted with his application a certificate of disability for discharge, a copy of which is as follows:

ARMY OF THE UNITED STATES—CERTIFICATE OF DISABILITY FOR DISCHARGE.

Private William W. Park, of Capt. W. C. Wiseman's company (C), of the Twenty-sixth Regiment of United States Volunteers, was enlisted by Capt. W. C. Wiseman, of the Twenty-sixth Regiment of Missouri United States Volunteers, at Union, Franklin County, Mo., on the 21st day of September, 1861, to serve three years. He was born in Franklin County, in the State of Missouri; is 21 years of age, 5 feet 11 inches high, light complexion, — eyes, brown hair, and by occupation when enlisted a farmer. During the last two months said soldier has been unfit for duty — days.

Station: Pacific.

Date: December 10.

W. C. WISEMAN,
Captain, Commanding Company.

His attorneys were informed in a letter from this office, dated May 9, 1893, that his name had not been found on the rolls of said company; that in the absence of any record evidence of enlistment, muster-in, or service he can not be regarded by this Department as having been in the military service of the United States, and that testimony can not be accepted to establish a record of service. On May 15, 1893, there was filed in this Department by the same attorneys, in support of claim for recognition, a letter from J. M. Park, who stated that William W. Park and himself were members of Company C, Twenty-sixth Missouri Infantry Volunteers, at the beginning of the service of that company; that the company was designated C when William W. Park received a certificate of discharge, but that the designation was subsequently changed to Company I, and that William W. Park returned home before the company was mustered into service. Upon an examination of the records it was ascertained that James M. Park was enrolled September 21, 1861, as a private in Company I, Twenty-sixth Missouri Infantry, and that he was discharged the service July 9, 1862.

In a letter dated May 16, 1893, the attorneys were informed that the name William W. Park has not been found on the rolls of either Company C or Company I, Twenty-sixth Missouri Infantry Volunteers, and that in the absence of record evidence of enlistment, muster-in, or service, he can not be regarded by this Department as having been in the military service of the United States.

It appears that on February 13, 1894, a bill for the relief of your correspondent (H. R. 5788, Fifty-third Congress, second session), was introduced, but nothing has been found of record in this office to show what, if any, action was taken thereon.

The petition of Mr. Park is herewith returned.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. F. M. COCKRELL,
United States Senate.

Further inquiry was made of the War Department and the following reply received, to wit:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, December 17, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, in which you request additional information in connection with the case of William W. Park, alleged as late of Company C, Twenty-sixth Missouri Infantry, viz, a sketch of Company I of said regiment, including the date of its organization, the name of the captain thereof, when, where, and by whom Wiley C. Wiseman, James M. Park, and the captain of the company were enlisted and mustered in, and whether there is any record or evidence that Wiseman was a recruiting officer in charge of a squad of recruits which he claimed to command as captain. In reply, I beg to inform you as follows:

Company I, Twenty-sixth Missouri Infantry, was raised at Union, Sullivan, and Pacific, Mo., at various dates from September 21 to December 23, 1861, and was organized and mustered into the United States service, with Capt. John McFall as

captain, December 26, 1861, at Camp Herron, Pacific, Mo., by David Harper, mustering officer, captain Ninth Iowa Volunteers. Of 80 men mustered in with the company, 66 are shown to have been enlisted by W. C. Wiseman, whose rank during the period when he enlisted the men is not stated. Capt John McFall is shown to have been enlisted November 26, 1861, at Pacific, Mo., by A. W. Maupin. First Lieut. Wiley C. Wiseman is shown to have been enlisted September 21, 1861, at Union, Mo., by A. W. Maupin. Private James M. Park is shown to have been enlisted September 21, 1861, at Union, Mo., by W. C. Wiseman. The three were mustered in with the company (I) with the respective ranks stated, December 26, 1861, by Captain Harper.

Nothing has been found of record additional to what is shown in the foregoing and in the letter to you of the 15th instant in connection with this case, to show that W. C. Wiseman was a recruiting officer in charge of a squad of troops, commanding them as captain, between September 21 and December 26, 1861. But, while it is evident that he was not a United States commissioned officer in any grade prior to December 26, 1861, it is not improbable that he styled himself captain while engaged in recruiting service.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. F. M. COCKRELL,
United States Senate.

The official records show that Company C of the Twenty-sixth Regiment Missouri Volunteer Infantry was not mustered into the service in whole or in part until November 26, 1861. Therefore, to do what this bill proposes would be not to correct the records, but to falsify them; which would be a gross injustice to all the members of that company who were mustered into the service on the last-named date.

In the recitals of the bill it is claimed that Mr. Park was enlisted on or about September 21, 1861, and that he served faithfully therein, so far as his health would permit, until the 10th day of December, 1861. He then claims that he was given a certificate of discharge by his captain, W. C. Wiseman, which certificate he took in good faith as a genuine discharge from the service.

This certificate is copied in the War Department report, and does not purport to be a discharge at all, but only a certificate of enlistment, and disability for discharge, in Company C by Capt. W. C. Wiseman, with descriptive list.

The records further show that W. C. Wiseman was never connected with Company C of that regiment, but was enlisted September 21, 1861, by A. W. Maupin, in Company I of said regiment, and that Company I was mustered into the service on December 26, 1861, with W. C. Wiseman as first lieutenant of said Company I.

To order the War Department to place the name of Mr. Park on the rolls of Company I would be not to correct the records, but to falsify them, and do gross injustice to every one of the 66 men shown to have been enlisted by W. C. Wiseman and to have been mustered into the service December 26, 1861, with W. C. Wiseman as first lieutenant; and to give Mr. Park an honorable discharge from Company I as of date December 10, sixteen days before the company was mustered into the service, would not correct but would falsify the record.

Mr. Park was never accepted or mustered into the service by any competent authority.

In no view of his case, as presented by the evidence and the records, would it be right or just to grant the relief proposed by this bill.

Your committee are therefore constrained to report the bill back to the Senate adversely, and to recommend that the relief prayed for be not granted and the bill be indefinitely postponed.

EDWIN HIGGINS.

JANUARY 27, 1898.—Ordered to be printed.

Mr. SHOUP, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 873.]

The Committee on Military Affairs, to whom was referred Senate bill 873, respectfully report:

In this case it appears that Edwin Higgins enlisted in Company H, Eleventh Michigan Infantry Volunteers, on the 24th day of August, 1861, and was made company bugler, and was within a short time promoted to be a principal musician and chief bugler of the regiment, and that he served as such principal musician until about the 5th of January, 1863, when, by a general order requiring the discharge of all principal musicians who had enlisted as such, and the reduction to the ranks of all who had been promoted to that position, he was reduced to private in Company H, Eleventh Michigan Infantry.

About January 10, 1863, he was ordered to hospital, and there being no room at Murfreesboro, where the company was then stationed, he was allowed to go to Nashville, where shortly afterwards he was placed in convalescent camp, and being informed by one of the officers that his "descriptive list" as principal musician was equivalent to a discharge, and being in a very feeble condition, he took advantage of an opportunity to go home, and did so. Edwin R. Pierce and Sarah Pierce testify that they were acquainted with Edwin Higgins during the years 1863 and 1864, and that during that time he suffered greatly from piles, dysentery, etc., and was utterly unable to perform the duties of a soldier. There is no record of his discharge in the War Department, though the records in the office of the adjutant-general of the State of Michigan show that the company return for June 1863, reports him "Discharged at Nashville, Tenn."

Your committee are clearly of the opinion that this soldier had no intention of deserting; that he supposed himself to have been discharged, and went home under that belief, being incapable in his enfeebled condition of performing service as a soldier; and we therefore recommend the passage of the bill.

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SALARY OF POSTMASTER AT WASHINGTON, D. C.

JANUARY 27, 1898.—Ordered to be printed.

Mr. CHANDLER, from the Committee on Post-Offices and Post Roads,
submitted the following

REPORT.

[To accompany S. 2917.]

The Committee on Post-Offices and Post Roads, to whom was referred the bill (S. 2917) fixing the salary of the postmaster at Washington, D. C., submits the following favorable report:

The Postmaster-General, in response to a request by this committee for an expression of opinion regarding this bill, under date of January 13, 1898, writes as follows:

To the CHAIRMAN COMMITTEE ON POST-OFFICES AND POST-ROADS,
United States Senate.

SIR: I beg to acknowledge receipt of bill S. 2917, which provides that the salary of the postmaster at the city of Washington, D. C., shall be \$6,000 per annum, beginning the 1st day of July, 1898.

In this connection I desire to draw your attention to the following facts, to wit:

Date.	Gross receipts.	Number clerks.	Carrier stations.	Sub-stations.	Stamp agencies.
1882-83	\$292,756	160	2	4	23
1894-95	586,866	303	6	34	42

By the act of March 3, 1883, (par. 4, 22 Stat. L., 602,) embodied in Postal Laws and Regulations, section 409, edition of 1893, the compensation of the postmaster at Washington, D. C., was fixed at \$5,000 per annum, when on the basis of the gross receipts of the office at that time (\$292,756) the salary would have been placed, under section 410, Postal Laws and Regulations, edition of 1893, at \$3,700 per annum. It was clearly the intention of the act above referred to to increase the salary of the postmaster at Washington to the extent of \$1,300 per annum, to provide for the increased service performed by him in view of the large amount of governmental franked mail matter then handled through his office. Since 1883 the gross receipts of the Washington office have increased \$294,110.42, or 101 per centum. The commercial matter revenue of the Washington post-office to-day entitles the postmaster to a salary of \$5,000 per annum, and on this basis, plus \$1,300 increase in the year 1883, allowed the postmaster at that time, the salary would reach \$6,300 per annum, irrespective of the increase in governmental franked matter from that period.

In addition to the information shown above, the bond of the postmaster was

increased on November 11, 1894, from \$100,000 to \$200,000. The postmaster at Washington, D. C., has always on hand a supply of postal cards amounting to between \$200,000 and \$300,000 for distribution to other offices.

In Report of the Postmaster-General for the fiscal year ended June 30, 1895, appeared a tabulated statement showing the registry business of the Washington City post-office as ranking third in the United States. Chicago, the second city in the United States in point of gross receipts, handled 3,272,677 packages during the fiscal year, and Washington, D. C., 2,944,173 packages. The value of the governmental business passing through the Washington City registry division amounted to \$698,250,862.82. In addition, commercial pieces to the value of several millions of dollars were also handled.

A fair guide by which to arrive at the amount of business carried on by the Washington City post-office can be secured by comparison with the clerk hire allowance and number of men employed at several of the \$6,000 offices. Comparative statement is shown below:

Office.	Salary of postmaster.	Gross receipts.	Number clerks.
Buffalo, N. Y.....	\$6,000	\$650,743	138
Pittsburg, Pa.....	6,000	642,797	156
Cleveland, Ohio.....	6,000	614,584	119
Washington, D. C.....	5,000	586,866	303

If the clerical force and the gross receipts of the Buffalo post-office are used as a factor, then the gross receipts of the Washington post-offices on a basis of commercial rates, would amount to \$1,428,645; if Pittsburg is taken, the gross receipts would be \$1,248,360; Cleveland, \$1,564,692.

You, of course, are familiar with the present law, which provides that when the gross receipts of an office exceed \$600,000 the salary of the postmaster shall be fixed at \$6,000 per annum.

In view of the foregoing facts the salary of the postmaster at Washington should, in my opinion, be at least \$6,000.

I shall be very glad to furnish you any additional information that you may desire in regard to this matter.

Very respectfully,

JAS. A. GARY, *Postmaster-General.*

TELEPHONE WIRES BETWEEN THE GOVERNMENT PRINTING OFFICE AND THE CAPITOL.

JANUARY 31, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany S. R. 91.]

The Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 91) authorizing the Public Printer to use certain Government telegraph poles, make a favorable report thereon.

The bill provides simply that the Public Printer may use 11 poles now erected and maintained by the United States Government for the purpose of stringing telephone wires between the Government Printing Office and the Capitol. The necessity of such legislation is shown in the following correspondence:

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., January 18, 1898.

DEAR SIR: The United States Government has a telegraph line, a part of which runs from the corner of G and North Capitol streets along North Capitol street to a point near B street, and it is desirable that there be granted permission to place on 11 poles between the points named one 6-pin arm, and to string thereon six wires for use between this office and the United States Senate and House of Representatives. We have recently had installed in this office a branch exchange telephone system of the common battery type, similar to that in the United States Senate, and the wires above referred to are for use in connection with this system.

The Chesapeake and Potomac Telephone Company, with whom we have the contract for this service, has endeavored to furnish the necessary communication between this office and the United States Capitol, but inasmuch as it is not permitted to erect street poles, and inasmuch as there is no system of alleys between this office and the Capitol which can be used for the purpose, it is now compelled to furnish for our use three pairs of wires to the Capitol by means of underground cables, which, starting from this office, run to the Telephone Exchange, at the corner of Fourteenth and G streets, and thence through another underground cable opening at the Capitol, which makes a total length of about $2\frac{1}{2}$ miles of underground wire, which, with the telephone systems now in use at the Capitol and the Government Printing Office, does not work satisfactorily.

A request for this permission has heretofore been made to Colonel Bingham, in charge of public buildings and grounds, in whose charge the Government telegraph lines are, by law, placed, and in his reply he states that Government lines can not be used by private corporations. This, however, is not a corporation matter, but a matter directly affecting this office and the two Houses of Congress. If there is any way in which we can obtain the permission asked for I shall be much gratified.

For your farther information I inclose copies of my correspondence on this subject with the Office of Public Buildings and Grounds, together with a plat showing the location of the eleven poles for which permission to use is required.

Yours, respectfully,

F. W. PALMER, *Public Printer.*

Hon. H. C. LODGE,

Chairman Committee on Printing, United States Senate.

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., September 9, 1897.

DEAR SIR: It is my desire to improve the telephone service between the Capitol and this office by having the line changed to metallic circuit, and have entered into a contract with the Chesapeake and Potomac Telephone Company, of this city, to make the change. That company informs me that to do this it will be necessary to place on each pole of the Government telegraph line for that distance one additional 6-pin cross-arm.

As this service, which is a most important one to Congress during its sessions, can be maintained in no other way, will you please give the necessary permission for the use of the poles in question, under such restrictions as you may deem proper?

Respectfully,

F. W. PALMER, *Public Printer.*

Col. THEODORE A. BINGHAM, U. S. A.,

In Charge of Public Buildings and Grounds, War Department, City.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, D. C., September 11, 1897.

DEAR SIR: Your letter of September 9, requesting permission to use the departmental telegraph line poles, has been received.

Personally, I should be very glad to oblige you, but the interests of the public service will not permit the use of the departmental telegraph line in the manner requested. If you have a contract with the telephone company of this city, it is their business to furnish you with what you have contracted for; but it has become too common for corporations to get, in one way or another, the use of public property (the property of the United States) for nothing, in this city.

We have already had trouble with the Chesapeake and Potomac Telephone Company, and I have given orders that every time one of their lines is strung on one of the Government poles it is to be cut at once. Moreover, the request for a 6-pin cross-arm for your service, when at most two pins would establish a brand new metallic circuit, indicates more than one metallic circuit to put you into communication with the Capitol. Under the circumstances, therefore, I regret that it will not be to public interest for me to issue the permit you request.

Several other departments, of public and local administration, are asking for permission to use the same poles. It is evident that if these permits were granted the original object of the departmental telegraph line would be entirely lost sight of.

Very truly, yours,

THEO. A. BINGHAM,
Colonel, United States Army.

Mr. F. W. PALMER,

Public Printer, Washington, D. C.

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., September 25, 1897.

DEAR SIR: Your letter of September 11, in reply to mine of September 9, requesting permission to use the departmental telegraph-line poles, came duly to hand, and I regret very much that you can not see your way clear to grant the desired permission.

As the statements contained in my letter above referred to were not as full as they might have been, I have thought it proper to again address you upon the subject.

There are two telephonic stations in this office, connected with four stations in the Capitol building by wires, which are now strung on the poles of the departmental telegraph line. These stations are absolutely necessary for the quick trans-

action of the public business during sessions of Congress. This line having been in use many years, the service to be obtained from it is not satisfactory. For this reason I made arrangements with the Chesapeake and Potomac Telephone Company to change the line to metallic circuit, that it might be uniform in every respect with the system recently installed in the Senate end of the Capitol Building and which is now being installed here.

I am informed by the telephone company that there is no way under the law by which this independent line can be maintained, except by use of the Government telegraph poles as at present, and that one additional 6-pin cross-arm will be required in order to make the system perfect.

If in the light of these facts you still consider that it will not be to the public interest to issue the permit I shall, of course, have to be content with the present unsatisfactory service.

Respectfully,

F. W. PALMER,
Public Printer.

Col. THEODORE A. BINGHAM, U. S. A.,
*In charge of Public Buildings and Grounds,
War Department, Washington, D. C.*

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, D. C., September 29, 1897.

DEAR SIR: I am in receipt of your favor of September 25, and regret very much that I can not see my way clear to granting the Chesapeake and Potomac Telephone Company the permission which you desire—to use the Government telegraph poles. We have been very much annoyed by the cool impudence of that and other corporations in this city attempting to appropriate Government property to their private use, and it has become necessary to exercise great vigilance for the protection of United States property. If that company has a contract with you to furnish telephone service, it is their business to spend the money necessary to carry out their contract.

I beg you to believe that it is not the desire of this office to in any way disoblige; on the contrary, I should be glad to give you all the assistance in my power, and if your telephone connection with the Capitol should be made an entirely Government line, this office would take pleasure in keeping it in order for you.

Very respectfully,

THEO. A. BINGHAM,
Colonel, United States Army.

Mr. F. W. PALMER,
Public Printer, Washington, D. C.

O

ELDRED G. DAVIS.

JANUARY 31, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 6542.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6542) for the relief of Eldred G. Davis, make a favorable report on the same.

The report of the House Committee on the District of Columbia recites the facts, as follows:

Mr. Davis is the tax collector of the District of Columbia. The facts in the case are set forth in the letter of the Commissioners of the District, which is herewith filed and made a part of this report. It is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 18, 1898.

SIR: The Commissioners have the honor to recommend favorable action upon H. R. 6542, "for the relief of Eldred G. Davis," which was referred to them at your instance for their report.

The man who took the money referred to in the bill was a messenger in the office of the collector of taxes, appointed by the Commissioners of the District on the 1st day of March, 1891, in pursuance of law.

He committed the above offense while alone in the office of the collector after office hours and while engaged in cleaning up the office in the performance of the regular and usual duties to which he had been assigned. This messenger had nothing whatever to do with the safe or with its combination, and was never informed or intentionally permitted to know the combination of its lock. Whatever information he acquired on that subject he obtained clandestinely and without the knowledge or suspicion of the collector. His long and faithful services had earned the confidence of all connected with the office. On one occasion he delivered to the collector a large sum of money found by him on the floor outside of the office, which he could easily have kept without incurring suspicion.

The collector reports that at the close of business hours on the day of the larceny, August 31, 1897, the funds in the office were placed in the safe provided for the purpose, and that the safe was duly locked.

The amount taken was \$8,990.13, of which \$8,355.80 was found in possession of the messenger when he was arrested in Toronto, Canada. The balance, \$634.33, has never been recovered. Mr. Davis, with commendable promptness, in order to balance his accounts and to provide against delay in the business connected with his office, deposited the amount of the deficit in the United States Treasury.

The Commissioners are of the opinion that Mr. Davis can not justly be held responsible for this loss, which did not occur through any act or negligence of his own, and that he should be reimbursed the sum he has already paid into the Treasury.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

HON. GEORGE M. CURTIS,
*Acting Chairman Committee on the District of Columbia,
House of Representatives.*

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The first part of the paper is devoted to a discussion of the general principles of the theory of the atom.

THEORY OF THE ATOM

It is well known that the atom is the smallest particle of matter which cannot be further divided.

The atom is composed of three parts, namely, the nucleus, the electrons, and the neutrons.

THE NUCLEUS

The nucleus is the central part of the atom.

It is composed of two parts, namely, the protons and the neutrons.

The protons are positively charged particles, and the neutrons are neutral particles.

The nucleus is held together by a strong force called the nuclear force.

The nuclear force is a short range force, and it is much stronger than the electrostatic force.

The nuclear force is responsible for the stability of the nucleus.

The nuclear force is also responsible for the energy released in nuclear reactions.

The nuclear force is a very complex force, and it is not yet fully understood.

The nuclear force is a very important force, and it is the basis of the theory of the atom.

The nuclear force is a very strong force, and it is much stronger than the electrostatic force.

The nuclear force is a very short range force, and it is only effective at very small distances.

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The nuclear force is a very important force, and it is the basis of the theory of the atom.

STREET-RAILWAY FARES AND TRANSFERS.

JANUARY 31, 1898.—Ordered to be printed.

Mr. McMILLAN from the Committee on the District of Columbia,
submitted the following

ADVERSE REPORT.

[To accompany S. 1859.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1859) to regulate street-railway fares and transfers in the District of Columbia, make an adverse report thereon.

The bill was referred to the Commissioners of the District of Columbia, who make the following report:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, July 8, 1897.

SIR: The Commissioners have the honor to recommend adverse action upon Senate bill No. 1859, to regulate street-railway fares and transfers in the District of Columbia, which you referred to them for examination and report.

They inclose herewith copies of letters from five of the street railway companies, in reply to inquiries addressed to them by the Commissioners relative to the provisions of the bill. The Brightwood Railway Company states that it costs that company $3\frac{1}{2}$ cents for each passenger carried on its road, while the cost to the Capital Traction Company is 2.9 cents for each passenger, and all of the companies have stated that it would be impossible for them to operate on the basis of 8 tickets for 25 cents. According to statistics prepared from the report of the railway commission of Massachusetts, 1896, taking the operations of six representative railways, it appears that the average cost to them for carrying a passenger was 3.6 cents.

The Commissioners consider that $3\frac{1}{2}$ cents is too small a fare, considering the conditions prevailing in Washington. Furthermore, the right to transfer at every railway intersection would practically result in an unlimited ride for $3\frac{1}{2}$ cents, the passengers transferring indefinitely from connection to connection. It appears to the Commissioners that the companies could not possibly operate at a profit under such conditions, and they therefore recommend adverse action on this bill.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Hon. JAMES McMILLAN,
*Chairman Committee on the District of Columbia,
United States Senate.*

CAPITAL TRACTION COMPANY,
Washington D. C., June 10, 1897.

DEAR SIR: I have the honor to reply to your letter of the 8th instant, asking our opinion concerning the bill providing for a reduction of fares to eight for a quarter and free transfers.

Our annual report for the year of 1896 shows that it cost this company 2.9 cents to carry each passenger, and in view of this fact it seems entirely unnecessary for me to make any comments, as it is self-evident that it would be a physical impossibility for the roads in this city to operate on such a basis.

Yours, very truly,

G. T. DUNLOP,
President.

Capt. LANSING H. BEACH,
Assistant Engineer Commissioner of the District of Columbia.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY,
June 10, 1897.

DEAR SIR: Answering your favor of the 8th, No. 3140, I beg to state that, in my opinion, the sale of eight tickets for 25 cents, with the right of transfer on all connecting or intersecting lines, would be ruinous to the Georgetown and Tennallytown Railway Company. Should Congress pass such a bill, it would, in my opinion, amount to a practical confiscation of the money invested in said road. There has never yet been paid one cent of dividend on all the money invested in the stock, namely, \$200,000; nor is there any clear evidence that there will be dividends at any early date. It has been just possible to pay interest on \$70,000 of bonds representing cash spent on the road. The \$200,000 represented in the stock has been invested for a period of about seven years.

Yours, truly,

O. T. CROSBY,
President.

Capt. LANSING H. BEACH,
Corps of Engineers, U. S. A., Washington, D. C.

WASHINGTON AND GREAT FALLS, *June 10, 1897.*

SIR: In reply to yours of 8th instant, this railway commences on Prospect avenue about 60 feet east of Thirty-sixth street (in Georgetown), and runs thence westerly along Prospect avenue for a distance of about 360 feet, after which it continues on land purchased by the company from private persons at a large expense.

It does not properly come within the meaning of "street railways doing business in the District of Columbia," as it only occupies about 420 feet along a District street.

The road is a suburban one its whole length of about 7 miles, one-half of which is within the District.

Within the District, along the line, are erected three stations, being the only points at which the railway legally has a right to stop, although the rule is to stop almost any place along the line to take on or let off passengers. This is a favor merely, and may be discontinued at any time, as the owners of the land adjoining the railway, except at the stations, are private parties.

The road has been an expensive one to build, and is expensive to operate; its patronage is, of necessity, limited.

With the city railways, on an average perhaps, three fares are collected between the termini, not to urge the large number of passengers carried, while with this road passengers mostly start at one point and are carried to the other, few getting on or off at interim points. The travel in proportion is very small.

It would be a great injustice were the bill you refer to enacted into law and made applicable to this road. It would practically amount to bankruptcy.

I will be pleased to go over the road with you at any time that may suit your convenience, and have no doubt you will be able to report substantially as I have stated.

Very respectfully,

J. P. CLARK, *President.*

LANSING H. BEACH,
Captain, Corps of Engineers, City.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY,
June 11, 1897.

DEAR SIR: Owing your favor of June 8, requesting my opinion concerning S. 1859, Fifty-fifth Congress, first session, I respectfully represent that trials have been made and have not demonstrated that street-railway companies in this country

are able to carry passengers at less than the rate charged in the District of Columbia and maintain a good service.

Concerning the transfer of passengers at intersecting points of other lines where our road unites with them, it would involve on the part of this company transferring with other roads sixteen times each one-half trip at thirteen points.

If required to do this and maintain transfer agents it would, in my judgment, be better for the owners to discontinue operation of the line. In all human probability it would be necessary to do so for lack of sufficient revenue to pay expenses.

Very respectfully, your obedient servant,

H. A. GRISWOLD, *President.*

LANSING H. BEACH,
*Captain, Corps of Engineers, U. S. A.,
Commissioners' Building, District of Columbia.*

BRIGHTWOOD RAILWAY COMPANY, *June 11, 1897.*

SIR: In response to your communication relative to Senate bill No. 1857, relating to street-car fares, I beg to state:

First. It cost this company during the year 1896 for repairs to cars, power to operate the road, and pay of conductors and motormen, the sum of \$38,301.60, and they carried 1,148,313 passengers, so that it cost to carry passengers $3\frac{1}{2}$ cents each. If this company has to sell tickets 8 for 25 cents, it would lose on each passenger one-fifth of a cent, or, in other words, it would not receive revenue sufficient to pay its actual operating expenses.

Second. In the above sum of \$38,301.60 is not included any interest charges or any salary of any officer of the company, they having waived all claims to same.

Third. The company does not earn sufficient revenue to pay its operating expenses and interest charges under existing law.

Fourth. If the above bill were to become a law, it would force into bankruptcy almost every road in the District of Columbia, as the statements of each company made last January show that it cost more to carry a passenger than the company would receive from it under the above bill.

Fifth. This company is, under existing law, compelled to carry passengers a distance of 5 miles for $3\frac{3}{4}$ cents, and can not make both ends meet. What would become of it under the provisions of the above bill?

Respectfully, yours,

H. S. CUMMINGS,
President.

Capt. LANSING H. BEACH,
Corps of Engineers, Washington, D. C.

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INCREASE OF MINIMUM PENSIONS.

JANUARY 31, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

ADVERSE REPORT.

[To accompany S. 3385.]

The Committee on Pensions, to whom was referred the bill (S. 3385) to increase minimum pensions, and for other purposes, have examined the same, and report:

The bill submitted to your committee on the 24th instant is as follows:

Be it enacted, etc., That all pensions now allowed at a lower rate than ten dollars per month are hereby raised to said sum, and shall be increased to a larger amount per month whenever the evidence submitted shall warrant such increase: *Provided,* That hereafter, whenever it may be shown or made to appear that an applicant for a pension was accepted by competent military authority and served as a soldier or sailor, the United States shall be held estopped and concluded to deny his soundness at the date he was mustered or accepted into the Army or Navy, and no proof of the soundness of the applicant at or prior to that time shall be required.

The Commissioner of Pensions was promptly called upon for an estimate as to the amount of money that would be required to meet the increased expenditure provided for in this bill, and in response thereto the committee received the following communication:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., January 28, 1898.

SIR: I have the honor to acknowledge the receipt of your communication of the 26th instant, asking for an estimate of the increased cost to the pension roll should the bill (S. 3385) offered by Senator Allen be enacted into law.

Senator Allen proposes to increase the pensions to \$10 per month of all persons now on the pension rolls who are receiving pensions at rates less than \$10.

In response I have to state that on the 30th day of June, 1897, there were on the rolls a total of 130,079 persons who were in receipt of pensions at rates less than \$10 per month under the general law. I have made a computation, based upon the difference between the rates which they are now receiving and \$10 per month, in each case, and I find that to increase all of these pensions to said rate would require an additional monthly expenditure of \$405,414.20, or an additional annual expenditure of \$4,864,970.40.

Under the act of June 27, 1890, 317,051 persons will be favorably affected, at an additional monthly cost of \$826,012, or an additional annual cost of \$9,912,144.

Under "War of 1812," "Mexican war," and "Indian wars" (1832-1842), the pensioners affected number 21,233, and the additional monthly cost on their account will be \$42,466, or an additional annual cost of \$509,592.

RECAPITULATION.

	Number of pensioners.	Additional annual cost.
General law.....	130,079	\$4,864,970.40
Act June 27, 1890.....	317,051	9,912,144.00
Old wars.....	21,233	509,592.00
Total	468,363	15,286,706.40

Very respectfully,

H. CLAY EVANS,
Commissioner of Pensions.

Hon. J. H. GALLINGER,
Chairman Committee on Pensions, United States Senate.

It will thus be seen that the enactment into law of the bill submitted to your committee will at once increase the pension expenditures of the Government over \$15,000,000. With a present annual pension appropriation of \$141,000,000, and an almost certain deficit at the end of the fiscal year 1899, it seems to your committee that this is an inopportune time to add so large an increase to this item of annual appropriation. While all sympathize with the needy and deserving soldier who is receiving a small pension, wise and conservative men will not, in appropriating public money, lose sight of the condition of the Treasury or lightly involve the Government in expenditures that can only be met by increased taxation in some form.

It should be noted that the bill materially amends almost every pension law on the statute books, some of which are service-pension laws pure and simple, and your committee fail to discover any valid or urgent reason for legislation in amendment of those statutes.

Regarding the second clause of the bill, which proposes to do away with the doctrine of "prior unsoundness," it is sufficient for your committee to say that on the 22d day of the present month the Senate passed a bill (S. 488), introduced by the chairman of this committee, which specifically accomplishes that purpose, and hence its reenactment is a superfluity.

For the reasons above set forth, your committee report the bill back adversely, with a recommendation that it be indefinitely postponed.

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DEPARTMENT OF PUBLIC HEALTH.

JANUARY 31, 1898.—Ordered to be printed.

Mr. VEST, from the Committee on Public Health and National Quarantine, submitted the following

REPORT.

[To accompany S. 2680.]

The Committee on Public Health and National Quarantine, to which was referred the bill (S. 1703) entitled "A bill to establish a department of public health," also the bill (S. 2343) entitled "A bill to create an executive department to be known as the department of public health, and to prescribe the duties and powers thereof," and the bill (S. 2680) entitled "A bill amending 'An act granting additional quarantine powers and imposing additional duties on the Marine-Hospital Service,' approved February fifteenth, eighteen hundred and ninety-three," submit the following report:

In the consideration of these bills the first question to be determined is whether the present system of quarantine under the control of the Marine-Hospital Service shall be abandoned; and, if so, shall there be created an Executive Department, to be known as "the department of health," with a Cabinet officer at its head, the duties and powers of such department to be those set forth in Senate bill No. 2343, or shall there be established a department of health with an officer in control to be known as the secretary of health, with the powers and duties prescribed in Senate bill No. 1703.

It will be seen by an examination of Senate bill No. 2343 that in addition to creating a new department, with all the machinery incident thereto, it establishes two boards, one to be styled the board of maritime sanitation, to be composed of 22 members, or 1 from each seaboard State, and another to be known as the board of domestic sanitation, composed of 3 members, none of whom shall be appointed from a seaboard State.

The board of maritime sanitation so created is given exclusive control of all matters pertaining to the prevention of the introduction of diseases from foreign countries, and the board of domestic sanitation is given exclusive charge of all domestic quarantine and exclusive power to declare and enforce quarantine between the States and Territories and between the communities of a State or Territory. It also has the

power to collect and tabulate the vital statistics of each State. Senate bill No. 1703 creates a department of public health, with an officer at its head to be known as the secretary of health, whose duty it shall be to procure and tabulate statistics as to marriage, births, epidemic and all other diseases, especially those of a degenerative character, such as malignant growths and diseases of the digestive, respiratory, and reproductive organs; also the effect of climate on tubercular disease, and the ruinous effects upon body and mind of intemperance and prostitution.

It also made the duty of the secretary of public health to investigate the causes of insanity; the condition of the laboring classes; how they are lodged, fed, hours of labor, especially for children, and the hygienic condition of public schoolhouses and factories, and the pollution of streams and wells.

It is also made the duty of the secretary, after conference with the surgeon-generals of the Army and Navy and the Marine-Hospital Service and the State boards of health, to make rules and regulations for the prevention of the invasion of disease from foreign countries.

It will be seen that both these bills, although differing in details, agree in taking away the jurisdiction over quarantine matters from the Marine-Hospital Service and vesting it in a department of health.

The committee believes that a change so radical is both impolitic and dangerous.

The Southern States lying upon the Atlantic and Gulf of Mexico are constantly exposed to danger from yellow fever, and the sudden transition from the present quarantine system to a new and untried experiment would leave these States for a time without protection. If a department of health is to be established, it should be done gradually without the sudden transition which would paralyze the efforts of the Marine-Hospital Service and substitute a new and necessarily crude system.

The Marine-Hospital Service has been virulently assailed and charged with tyranny and gross negligence, but no convincing evidence of these statements being true has been placed before the committee. While it is undeniable that the yellow fever, which is the only contagious disease from foreign countries to be really dreaded, entered the United States last summer at a point on the Gulf Coast near Ship Island, it has not been satisfactorily shown that this occurred by reason of the carelessness or neglect of the officers on duty at the Ship Island quarantine station. The fever first appeared at Ocean Springs, a few miles from the station, but it is unjust to conclude, on the ground of propinquity alone, that it came through Ship Island. Hundreds of refugees from Havana, the most dangerous yellow-fever port in the world, have been coming to our shores in all sorts of vessels and landing at obscure and out of the way places, where it was impossible, on account of our extended seaboard, to intercept them.

Besides this, it is well known that since the present troubles began in Cuba smuggling has been extensively carried on, and those engaged in it have, of course, carefully avoided the larger ports of the United States, where quarantine regulations are enforced. These observations are made, not with any idea of taking part in the acrimonious controversy between the State boards of health in the Southern States and the Marine-Hospital Service, but because justice demands that our conclusions should be frankly stated as to matters involving not only large pecuniary interests, but also health and life.

In our opinion, it is wise and necessary to retain the present system

of quarantine under the management of the Marine-Hospital Service, with its hospitals, quarantine stations, improved apparatus for the investigation of disease germs, and corps of officers, 25 per cent of whom have experience in the prevention and treatment of infectious diseases, and especially of yellow fever.

It may be found expedient hereafter to expand the service into that of a department, but to do so now would mean the useless expenditure of money and the destruction of the only systematic antagonism to the invasion of contagious disease.

POWERS OF THE MARINE-HOSPITAL SERVICE SHOULD BE ENLARGED.

While we believe that the quarantine jurisdiction of the Marine-Hospital Service should be retained, we are clearly of opinion that its powers should be enlarged and made more distinct and uniform. No timidity nor adherence to technicalities should prevent the adoption of any measures which are necessary to exclude contagious diseases from our shores.

The experience of past years, and especially of the last summer, demonstrate the absolute and immediate necessity of so amending existing laws as to enlarge and concentrate the powers of the Marine-Hospital Service, so that the present sporadic and conflicting condition, in which there is constant friction and collision between Federal and State officials, shall be changed, and the exclusive, ultimate control be given to one authority.

The evils of the present system have become intolerable.

During the season just ended hundreds of lives were lost by reason of defects in existing law, the commerce of the entire South was paralyzed, and the rights of citizens disregarded by lawless methods. Cities and towns were quarantined against rival communities, producing bitter controversy, and railway trains passing from one State to another were prohibited from proceeding, the passengers in many cases being forcibly taken from the cars and carried to improvised fever camps, where they were exposed to hardship and contagion.

The amount of damage inflicted upon the country by the shotgun quarantine can never be accurately stated, but it certainly amounted to many millions, and the possibility of its existence is a stigma upon our institutions and civilization.

CONSTITUTIONAL QUESTION.

It is assumed that objection will be made on constitutional grounds to that portion of the bill favorably reported, which provides as follows:

Whenever yellow fever, cholera, plague, or typhus fever has passed the quarantines of the United States, or in any manner any one of these diseases has gained entrance or has appeared within the limits of any State, Territory, or the District of Columbia, the quarantine regulations of the United States, prepared under the direction of the Secretary of the Treasury, for the purpose of preventing the spread of such diseases from one State, Territory, or the District of Columbia into another State, Territory, or the District of Columbia, shall be supreme and have precedence of State or municipal laws, rules, or regulations, and the President is authorized to enforce the same and to control the movement of vessels, railway trains, vehicles, or persons so as to prevent these diseases from spreading from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia, and to prevent unnecessary restrictions upon interstate commerce; and whenever, in accordance with the rules and regulations made as herein authorized to prohibit or permit the movement of vessels, railway trains, and vehicles, or transportation of

persons, prohibitions or permits have been made or granted, any person violating said prohibition or permit shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than twelve months, or both, at the discretion of the court; and any violation of said prohibition or permit shall be reported to the United States district attorney for the district in which the offense has been committed, who shall thereupon institute necessary proceedings for the recovery of the penalty herein imposed.

It is interesting to note in the legislation of Congress the gradual approach to the full conviction that there must be one supreme head to the quarantine system.

The first act of Congress, approved April 29, 1878, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," was careful to declare that "there shall be no interference in any manner with any quarantine laws or regulations as they now exist or may hereafter be adopted under State laws."

On March 3, 1879, a National Board of Health was created, consisting of seven members to be appointed by the President, and one medical officer from the Army, one from the Navy, one from the Marine-Hospital Service, and an officer from the Department of Justice, whose duty it shall be to obtain information on all matters affecting the public health, and to advise the Executive Departments, the governors of States, and the Commissioners of the District of Columbia upon all questions submitted to them, or whenever in the opinion of the board such advice may tend to improve the public health.

On March 27, 1890, Congress enacted as follows:

AN ACT to prevent the introduction of contagious diseases from one State to another and for the punishment of certain offenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall be made to appear to the satisfaction of the President that cholera, yellow fever, smallpox, or plague exists in any State or Territory, or in the District of Columbia, and that there is danger of the spread of such disease into other States, Territories, or the District of Columbia, he is hereby authorized to cause the Secretary of the Treasury to promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State or Territory into another, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, and to employ such inspectors and other persons as may be necessary to execute such regulations to prevent the spread of such disease. The said rules and regulations shall be prepared by the Supervising Surgeon-General of the Marine-Hospital Service, under the direction of the Secretary of the Treasury. And any person who shall willfully violate any rule or regulation so made and promulgated shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years, or both, in the discretion of the court.

SEC. 2. That any officer, or person acting as an officer, or agent of the United States at any quarantine station, or other person employed to aid in preventing the spread of such disease, who shall willfully violate any of the quarantine laws of the United States, or any of the rules and regulations made and promulgated by the Secretary of the Treasury as provided for in section one of this act, or any lawful order of his superior officer or officers, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

SEC. 3. That when any common carrier or officer, agent, or employee of any common carrier shall willfully violate any of the quarantine laws of the United States, or the rules and regulations made and promulgated as provided for in section one of this act, such common carrier, officer, agent, or employee shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years, or both, in the discretion of the court.

Approved March 27, 1890.

This act virtually abolished the National Board of Health, which has been substituted for the Marine-Hospital Service, but on February 13,

1893, the National Board of Health was formally abolished, and the jurisdiction over quarantine matters again given to the Marine-Hospital Service.

It will be seen that the act of March 27, 1890, before set forth, goes as far substantially in giving exclusive and supreme power over domestic quarantine to Federal authority as does the bill reported by the committee, but so far as we know the constitutionality of that act has never been questioned.

Beginning with the case of *Gibbons v. Ogden*, in 9 Wheaton, a large number of decisions have been rendered by the Supreme Court of the United States as to quarantine powers of the Federal and State governments, but the substance of all these opinions is expressed by Justice Davis in *Peete v. Morgan* (19 U. S., 581):

That the power to establish quarantine laws rests with the States, and has not been surrendered to the General Government is settled in *Gibbons v. Ogden*.

The source of this power is in the acknowledged right of a State to provide for the health of its people, and although this power when set in motion may in a greater or less degree affect commerce, yet the laws passed in the exercise of this power are not enacted for such an object. They are enacted for the sole purpose of preserving the public health, and if they injuriously affect commerce, Congress, under the power to regulate it, may control them.

In the case of *Morgan Steamship Company v. Louisiana*, involving the constitutionality of a Louisiana statute for collection of quarantine fees (118 U. S., 465), Mr. Justice Miller, delivering the opinion of the court (Mr. Justice Bradley alone dissenting), used this language:

Whenever Congress shall undertake to provide a general system of quarantine all the State laws inconsistent with said enactment will be abrogated, but until this is done the laws of the State on the subject are valid.

Mr. Justice Miller also said in this case:

For while it (the statute of Louisiana in question) may be a police regulation in the sense that all provisions for the health, comfort, and security of the citizens are police regulations and are an exercise of the police power, it has been said more than once in this court that even where such powers are so exercised as to come within the domain of Federal authority as defined by the Constitution, the latter must prevail. (*Gibbons v. Ogden*, 9 Wheat., 1; *Henderson v. Mayor*, 92 U. S., 259; *New Orleans Gas Co. v. La. Lgt. Co.*, 115 U. S.)

In the case of *Hannibal and St. Joe Railway v. Husen* (95 U. S., 465), a statute of Missouri prohibiting the driving or conveying of any Texas, Indian, or Mexican cattle into the State, between March 1 and November 1 of each year, was declared unconstitutional. Mr. Justice Strong, delivering the opinion of the court (which was unanimous), said:

While we unhesitatingly admit that a State may pass sanitary laws and laws for the protection of life, liberty, health, or property within its borders; while it may prohibit persons and animals suffering under contagious or infectious diseases, or convicts, etc., from entering the State; while for the purposes of self-protection it may establish quarantine and reasonable inspection laws, it may not interfere with transportation into or through the State, beyond what is absolutely necessary for its self-protection.

Under the decisions in *Peete v. Morgan* and *Morgan Steamship Company v. Louisiana* it is clear that Congress has the power to control the operation of State quarantine laws when, in its opinion, they injuriously affect commerce among the States, and whenever Congress enacts a general quarantine law all State laws in conflict with it are abrogated.

A practical illustration of the exercise of this Federal jurisdiction is found in the acts of July 18, 1888, and May 2, 1889, under which the Bureau of Animal Industry is authorized to enter any State where cat-

tle are infected with pleuro-pneumonia, and, without consulting State authorities or laws, purchase and destroy the suspected animals.

It would be strange indeed if, when a State refuses or neglects to make proper laws and regulations against contagious disease, Congress must stand helpless while commerce among the States is destroyed and our citizens slaughtered by an epidemic.

The committee, with a deep sense of the responsibility resting upon them, after earnest inquiry and deliberation, recommend the passage of the substitute for Senate bill No. 2680.

Senator Mallory dissents from the conclusions of a majority of the committee.



AGRICULTURAL APPROPRIATION BILL.

JANUARY 31, 1898.—Ordered to be printed.

Mr. CULLOM, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 6351.]

The Committee on Appropriations, to whom was referred the bill (H. R. 6351) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1899, report the same to the Senate with amendments, and present herewith a statement showing the estimates submitted for the Department of Agriculture for 1899, the amount of House bill, the amount of the bill as reported to the Senate, and the amount of the appropriations for 1898.

A statement is also presented showing the amount of the Agricultural appropriation acts for the fiscal years 1886 to 1898, inclusive, respectively.

A letter from the Secretary of Agriculture in regard to the necessity for increase in the appropriation for expenses of the Bureau of Animal Industry is appended:

AGRICULTURAL DEPARTMENT, 1899.

Amount of estimates for 1899 <i>a</i>	\$2, 835, 350
Amount of House bill.....	3, 360, 902
Increase recommended by Senate committee (net)	151, 300
Amount as reported to Senate.....	3, 512, 202
Amount of act for 1898.....	3, 182, 902

The changes in amounts of House bill recommended by the committee are as follows:

INCREASE.

For collecting agricultural statistics	\$5, 000
For botanical investigations and experiments.....	5, 000
For pomological investigations.....	1, 500
For grass and forage-plant investigations	3, 000
For collecting and publishing irrigation information	5, 000
For fiber investigations	5, 000
For inquiries of domestic sugar production.....	2, 000
For salaries and expenses of Bureau of Animal Industry	125, 000
Total increase	151, 500

a No amounts are included in the estimates for 1899 for the general expenses of agricultural experiment stations in the several States and Territories, authorized by the act of March 2, 1887. The amount appropriated for this purpose for 1898 was \$720,000.

AGRICULTURAL APPROPRIATION BILL.

REDUCTION.

For salaries and expenses of Weather Bureau.....	\$200
Net increase	151, 300
Amount as reported to the Senate	3, 512, 202

Comparative statement showing the appropriations for 1898, the estimates for 1899, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1899.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate committee, 1899.
For salaries	\$319, 300	\$327, 300	\$319, 300	\$319, 300
Miscellaneous objects, namely:				
Collecting agricultural statistics	110, 000	110, 000	100, 000	105, 000
Botanical investigations and experiments	15, 000	20, 000	15, 000	20, 000
Entomological investigations	20, 000	20, 000	20, 000	20, 000
Vegetable pathological investigations	20, 000	20, 000	20, 000	20, 000
Biological investigations	17, 500	20, 000	17, 500	17, 500
Pomological investigations	8, 000	8, 000	8, 000	9, 500
Laboratory, division of chemistry	12, 400	15, 000	12, 400	12, 400
Forestry investigations	20, 000	25, 000	20, 000	20, 000
Experimental gardens and grounds	25, 000	25, 000	20, 000	20, 000
Soil investigations	10, 000	10, 000	10, 000	10, 000
Grass and forage-plant investigations	10, 000	10, 000	10, 000	13, 000
Agricultural experiment stations	755, 000	^a 50, 000	760, 000	760, 000
Irrigation information				5, 000
Nutrition investigations	15, 000	15, 000	15, 000	15, 000
Public-road inquiries	8, 000	8, 000	8, 000	8, 000
Fiber investigations	5, 000	5, 000		5, 000
Library of the Department	7, 000	7, 000	6, 000	6, 000
Bulletins, reports, and documents	65, 000	100, 000	65, 000	65, 000
Animal quarantine stations	12, 000	15, 000	12, 000	12, 000
Museum	3, 000	3, 000	1, 500	1, 500
Postage	3, 000	3, 000	2, 000	2, 000
Furniture, cases, and repairs	9, 000	10, 000	9, 000	9, 000
Contingent expenses	25, 000	25, 000	25, 000	25, 000
Purchase and distribution of valuable seeds	130, 000	130, 000	130, 000	130, 000
Investigating production of domestic sugar	^b 5, 000	10, 000	5, 000	7, 000
Bureau of Animal Industry	675, 000	800, 000	775, 000	900, 000
Printing Special Report on Diseases of the Horse			37, 500	37, 500
Total miscellaneous objects	1, 984, 900	1, 464, 000	2, 103, 900	2, 255, 400
Weather Bureau, namely:				
Salaries, office of Chief of Bureau	150, 540	160, 050	153, 540	153, 340
Fuels, lights, and repairs	8, 000	8, 000	8, 000	8, 000
Brick addition to annex building of the Bureau		10, 000		
Contingent expenses	8, 000	8, 000	8, 000	8, 000
Forecast officials, observers, and all necessary employees outside of the city of Washington	352, 195	362, 000	382, 195	382, 195
All other expenses of maintenance	364, 967	416, 000	382, 967	382, 967
Erection of building at Sault Ste. Marie, Mich., for use of the Bureau		5, 000	3, 000	3, 000
Establishment, equipment, and maintenance of new stations		75, 000		
Total, Weather Bureau	883, 702	1, 044, 050	937, 702	937, 502
Total, Department of Agriculture	3, 187, 902	2, 835, 350	3, 360, 902	3, 512, 220

^a No amount is estimated for 1899 for the general expenses of agricultural experiment stations in the several States and Territories, as provided for by section 5 of the act of March 2, 1887. The sum of \$720,000 was appropriated for this purpose for 1898.

^b This amount was appropriated in sundry civil act for 1898.

Appropriations for the Department of Agriculture, 1886 to 1898, inclusive.

1886.....	\$585, 790. 00	1893.....	\$3, 232, 995. 50
1887.....	654, 715. 00	1894.....	3, 223, 500. 00
1888.....	1, 028, 730. 00	1895.....	3, 223, 623. 06
1889.....	1, 716, 010. 00	1896.....	3, 303, 750. 00
1890.....	1, 669, 770. 00	1897.....	3, 255, 532. 00
1891.....	1, 799, 100. 00	1898.....	3, 182, 902. 00
1892.....	3, 028, 153. 50		

LETTER OF THE SECRETARY OF AGRICULTURE.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 27, 1898.

DEAR SENATOR: I inclose herewith, as requested, a draft of the section of the appropriation bill for this Department making appropriation for the salaries and expenses of the Bureau of Animal Industry for the year ending June 30, 1899, modified in accordance with the recommendation which I had the honor to make to your subcommittee.

I have recommended a total appropriation of \$925,000, of which I request that \$100,000 be made immediately available. Fifty thousand dollars of the sum made immediately available is needed for a proper increase of the meat-inspection service. There is now an extraordinary demand for our meat products in European markets. Our pork is shut out of most of the markets of the continent of Europe unless it is microscopically inspected, and an act of Congress prohibits the exportation of beef unless it is inspected and accompanied by a certificate of wholesomeness; consequently, unless all of our beef and a large part of our pork is inspected and certified by this Department it can not go to the principal continental markets, no matter how great the demand may be for it.

It is absolutely impossible for the Department to inspect all of the beef and pork—particularly the latter—which is now offered for exportation, and therefore these products are being shut in the country. I have increased the force to a point where the pro rata expenditures per month are greater than is allowable by the appropriation, because I have felt that Congress in its wisdom would make provision to meet this emergency. When the estimates were made I asked for \$25,000, to be made immediately available, believing that this would be a sufficient addition to the funds for the current year. Since those estimates were made, however, the demands for inspection have been so much more numerous than was expected, and the conditions in foreign markets have been so much more favorable for the sale of our products, that it will require, I think, \$50,000 to meet the demand and get our meat products out of the country as rapidly as foreign markets will receive them. So far as can be determined at present, this demand for our meats will continue for another year, and I have consequently estimated that the amount of money required for the ordinary work of the Bureau of Animal Industry during the fiscal year ending June 30, 1899, will be \$775,000. The amount asked for in the estimates was \$800,000, of which \$25,000 was to be immediately available, leaving a remainder of \$775,000 for the work of the fiscal year 1899, being the same as is now requested.

In addition to this estimate for the regular work of the Bureau under consideration, I estimate that \$100,000 could be used with great advantage to the hog raisers of the United States by applying the new method of serum treatment for the prevention and cure of hog cholera. The scientists of the world have been investigating this disease, or the two diseases which are generally grouped together under this general term, for nearly twenty years, and the result of their investigations is the conclusion that these diseases can be combated on the same principle that diphtheria is prevented and cured by the antitoxin of that disease. The experiments which were made during the past summer showed that 80 per cent of the animals in the diseased herds were saved by this treatment, while 85 per cent of animals died in other herds, alongside of these, which were not treated. This serum is obtained from horses or cattle that have been inoculated with the hog cholera virus repeatedly and in increasing doses until their power of resistance to it is raised to the highest point possible. The serum from the blood of such animals has the remarkable property of preventing and curing hog cholera, and the efficiency of the product depends very largely upon the skill with which the process is conducted.

It is important that the Department be put in a position so that it can supply and use a large quantity of this serum during the coming summer and demonstrate upon a large scale not only its efficiency but the best methods of using it for preventing this destructive disease. There is no question but that the serum is very beneficial. There is a possibility that it may not save as large a percentage on a large scale as it did in the experiments last summer, but the probability is that this product can be improved and that it will save a larger proportion rather than be shown to be less efficient. In the one State of Iowa it was shown by the statistics of 1896 that the losses from hog cholera amounted to \$15,000,000, and it is probable that the losses of the whole country are not much less than \$100,000,000 a year. It is important, therefore, that an earnest effort be made to check these losses at the earliest possible moment.

The expenditure of \$100,000 for testing this remedy and formulating a plan for the control of the disease is not a very large sum, considering the entire country, but the

loss of \$100,000,000 worth of property annually is a large sum and one which the country can ill afford. If, however, the judgment of the committee is that the Department should expend a less sum of money in this direction, I will state that whatever sum is placed at its disposal will be used to the best advantage possible, and that a smaller sum can be made to accomplish as much good in proportion to the amount expended as the full amount asked. If anything is appropriated for this purpose, I would request that one-half of this sum be made immediately available, as it requires from three to four months to put animals through the treatment for the production of the serum, and consequently these animals should be purchased at once and put under treatment in order to have the serum ready in time for the treatment of disease for this summer.

Very respectfully,

JAMES WILSON,
Secretary.

Hon. SHELBY M. CULLOM,
*Chairman of Subcommittee on Agriculture,
Committee on Appropriations, United States Senate.*

AMENDMENT.

Salaries and expenses, Bureau of Animal Industry: For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, and the act of August 30, 1890, providing for an inspection of meats and animals, and also the provisions of the act of March 3, 1891, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes, the sum of nine hundred and twenty-five thousand dollars;¹ and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information concerning live stock, dairy, and other animal products, and to prevent the spread of pleuro-pneumonia, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State into another, and for printing and publishing such reports relating to animal industry as he may direct; and the Secretary of Agriculture is hereby authorized to rent a suitable building in the District of Columbia, at an annual rental of not exceeding one thousand two hundred dollars, to be used as a laboratory for said Bureau of Animal Industry: *Provided*, That one hundred thousand dollars² of the sum appropriated by this paragraph shall be immediately available for salaries and expenses of the Bureau of Animal Industry; and the Secretary of Agriculture may use so much of this sum as he deems necessary for making and using serum for the prevention and cure of hog cholera and for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports.

¹Includes \$100,000 for hog cholera.

²Includes \$50,000 for hog cholera.

NATIONAL FLORENCE CRITTENTON HOME

JANUARY 31, 1898.—Ordered to be printed.

Mr. PRITCHARD, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 771.]

The Committee on the District of Columbia, to whom was referred the bill (S. 771) to incorporate the National Florence Crittenton Mission, recommend that certain amendments be made to the bill, and that when so amended the bill be passed.

The bill was submitted to the Commissioners of the District of Columbia, who suggested that it be amended by fixing the domicile of the corporation in the District of Columbia. The Florence Crittenton Mission maintains a home for destitute and fallen women in the District of Columbia, and for several years has been doing an excellent work. The home in the District is one of a chain of mutually helpful homes in various cities of the United States. These homes are supported largely by Mr. Charles N. Crittenton, of New York, and partially by the various municipalities.

The report of the Commissioners and the attorney for the District is given herewith.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 17, 1897.

DEAR SIR: The Commissioners recommend favorable action on Senate bill 771, "to incorporate the National Florence Crittenton Mission," which was referred to them at your instance for their examination and report, if the bill be amended by inserting after the word "corporate," in line 6, the words "in the District of Columbia." A copy of the opinion of the attorney giving the reasons why the suggested modification is desirable is herewith transmitted.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Senator JAMES MCMILLAN,
*Chairman Committee on the District of Columbia,
United States Senate.*

OFFICE OF THE ATTORNEY, DISTRICT OF COLUMBIA,
Washington, June 12, 1897.

GENTLEMEN: I have considered Senate bill 771 (Fifty-fifth Congress, first session), "to incorporate the National Florence Crittenton Mission," which you referred to me for examination and report.

This bill, it seems to me, is liable to the objection that it does not give the corporation proposed to be created a habitat.

A corporation is an artificial person, and, like a natural person, ought to have a domicile. The act ought in terms to create a corporate body in the District of Columbia or in some other territory over which the United States has exclusive jurisdiction, and then by comity it may operate in any of the States.

With these suggestions, the bill is one which should be favorably recommended to Congress.

The bill is herewith returned.

Very respectfully,

S. T. THOMAS,
Attorney, District of Columbia.

The COMMISSIONERS, ETC.

○

AGE OF PROTECTION OF GIRLS IN THE DISTRICT OF
COLUMBIA.

JANUARY 31, 1898.—Ordered to be printed.

Mr. PRITCHARD, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany S. 2880.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2880) to raise the age of protection for girls in the District of Columbia to eighteen years, make a favorable report thereon.

The same bill was reported favorably to the Senate in the Fifty-fourth Congress, and the report contained the following letter from Judge Kimball:

WASHINGTON, D. C., *February 17, 1897.*

DEAR SIR: In reply to your inquiry as to the age of protection legislation for the District—

The law of 1887, commonly known as the Edmunds-Tucker law, forbids fornication to both sexes at all ages, each party being liable to not more than six months' imprisonment or \$100 fine.

In 1889 (February 9), without repealing the above-named provision, a law was passed to increase the penalty in cases where the female involved was under 16 to imprisonment for not more than fifteen years for the first offense, not more than thirty for any subsequent offense.

The Shannon bill, H. R. 9515, which I recommend, proposes as an intermediate penalty, to afford adequate protection to young girls of 16 and 17, two years' imprisonment and \$100 fine.

It will be observed that the absence of any minimum penalty allows the judge, in his discretion, to make the penalty nominal in the rare cases where even such young girls are the chief offenders. The tendency of this law would be to exclude girls of 16 and 17 from houses of infamy, as law of 1889 excluded those of younger age.

I believe it would be better to pass the Shannon bill than either the Broderick or Hoar bill, both of which propose to change the law of 1889. The only change I would suggest in the Shannon bill is, in place of "two years," "eleven months and twenty-nine days" should be substituted to keep the cases within police court jurisdiction.

Respectfully, yours,

I. G. KIMBALL,
Judge, Police Court, District of Columbia.

Hon. J. C. PRITCHARD.

The report continues:

It will be observed that in any case where a man or boy has been "more sinned against than sinning," the guiltier girl can hardly take advantage of this law, as the

2 AGE OF PROTECTION OF GIRLS IN DISTRICT OF COLUMBIA.

court in its discretion, there being no minimum penalty, could punish the male party to the offense with only a nominal penalty, while giving the woman six months' imprisonment

The bill has been asked for by more numerous petitions than have been sent for any other pending District measure, in which petitions the churches, white and colored, with Archbishop Keane, the colleges, and societies have joined, and numerous petitions for such a bill have come from churches and societies all over the land. No opposing petitions have been presented.

The theory of the bill is that the maximum penalty for fornication in the Edmunds-Tucker law is not adequate for aggravated cases, where an innocent girl of 16 or 17 has been ruined by some corrupt man.

During the life of this Congress nineteen States have raised the age of protection for girls, seven of them to 18 years. Three had that age previously, making ten in all, and it is the goal toward which the whole national movement on this subject tends.



FORT HAYS MILITARY RESERVATION.

JANUARY 31, 1898.—Ordered to be printed.

Mr. CARTER, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 1629.]

The Committee on Public Lands, to whom was referred the bill (S. 1629) granting to the State of Kansas the Fort Hays Military Reservation in said State for the purpose of establishing western branches of the Kansas Agricultural College and the Kansas State Normal School, and for a public park, have carefully considered the bill and respectfully submit the following report:

On the 18th of February, 1895, the legislature of the State of Kansas passed a concurrent resolution requesting the Senators and Representatives in Congress from that State to secure the passage of an act of Congress donating said Fort Hays Military Reservation to the State of Kansas for the purposes hereinbefore mentioned, which resolution is as follows:

[House concurrent resolution No. 20. By Mr. Schlyer.]

Whereas the experience of the settlers upon the plains of western Kansas, covering a period of more than twenty years, has demonstrated conclusively that agriculture can not be pursued with profit under existing natural conditions, and that artificial means and methods must be substituted therefor; and

Whereas the tests and experiments required to determine the fitness of new methods applicable to these higher altitudes and limited rainfall can not be made at the Agricultural College of the State; and

Whereas the Fort Hays Military Reservation, at an altitude of 2,000 feet above sea level, contains a valuable body of native timber that should be preserved to posterity, and the land of said reservation is admirably adapted for such experiments in agriculture as are required in the premises; and

Whereas the buildings upon said military reservation, formerly used as residences for officers and their families, barracks for troops, storehouses, etc., are large and commodious, but can not be moved without destruction of their value, but in their position are of great value and could be used with little additional repairs for the purpose of a branch of the State Normal School; and

Whereas the location of a branch of the State Normal School at this place would be central and convenient for the whole of the north half of the State; and

Whereas the said military reservation has long since been abandoned by the United States Government as a military post: Now, therefore, be it

Resolved by the house of representatives of the State of Kansas (the senate concurring therein), That our Senators and Representatives in Congress are hereby requested to secure the passage of an act of Congress donating the said Fort Hays Military Reservation to the State of Kansas for the following public purposes:

First. For a western branch of the Kansas Agricultural College.

Second. For a western branch of the Kansas State Normal Institute.

Third. For a public park.

Resolved further, That the secretary of state be, and he is hereby, instructed to transmit a copy of these resolutions to the President of the United States Senate,

the Speaker of the House of Representatives, and to each Senator and Representative in Congress from the State of Kansas.

STATE OF KANSAS, *Office of the Secretary of State*:

I, W. E. Edwards, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original instrument of writing filed in my office February 18, 1895.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 19th day of February, 1895.

[SEAL.]

W. E. EDWARDS, *Secretary of State*.

On Saturday, February 23, 1895, a copy of said concurrent resolution was laid before the Senate by the Vice-President and was duly referred to the Committee on Public Lands, to accompany S. 2799.

The Fort Hays Military Reservation is situated in what is known as the arid belt of the State of Kansas.

This post was established in the early history of Kansas for the purpose of furnishing a convenient basis of operations against the Indian tribes of the West, and was maintained for many years for that purpose. Excellent buildings were erected thereon for officers' quarters and other army purposes, and are admirably adapted in many respects for the purposes contemplated by this bill. As the Indian tribes were gathered on the reservations in the Indian Territory, this military reservation became useless, and several years ago was abandoned as a military station and turned over to the Interior Department, and from thence until the present time it has been of no service to the Government of the United States; upon the contrary, a continued expense and embarrassment.

In view of the arid condition of the land, it would be difficult to sell it for any reasonable amount. A part of the reservation is covered by an unusual growth of timber for that section of the country and it is important that this timber be preserved for public-park purposes.

The State of Kansas has already established a State agricultural college at Manhattan, in Riley County, about 110 miles west of the eastern border of the State. It has also established a State normal institute at Emporia, Lyon County, about 125 miles west of the eastern border of the State.

The entire length of the State is about 407 miles, and the result is that the people in nearly two-thirds of the State are practically deprived of the benefits and advantages of both of these institutions.

In view of the arid character of this land and its situation in the western part of the State, about 175 miles west of the present location of the Agricultural College and the State Normal Institute, it would furnish an admirable location for the establishment of branches of these institutions for the benefit of the inhabitants of nearly two-thirds of the State.

It is and always has been the policy of the Government to encourage and develop institutions of learning of this character, and the establishment of a western branch of the State Agricultural College at this point would be particularly beneficial and appropriate, for the reasons herein stated and more fully set forth in the foregoing concurrent resolution, as it would form a nucleus from which important developments might be expected in determining the agricultural character and value of the arid lands in the western part of Kansas and eastern Colorado; and for all these reasons the committee is of the opinion that the policy contemplated by this bill is a wise and prudent one and will result beneficially not only to the State of Kansas, but to the whole country, and we therefore recommend the passage of this bill.

EXTENSION OF COLUMBIA RAILWAY COMPANY.

JANUARY 31, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 3446.]

The Committee on the District of Columbia, to whom was referred the subject of the extension eastwardly of the Columbia Railway Company, report the bill (S. 3446) to authorize the extension eastwardly of the Columbia Railway Company.

The Columbia Railway begins on New York avenue, near the corner of the Treasury Department, and extends eastwardly on New York avenue, Massachusetts avenue, and H street to the boundary of the city of Washington at Fifteenth street east. It is proposed to extend the lines along the Benning road across the Eastern Branch of the Potomac River to the Anacostia road, which runs parallel with the tracks of the Baltimore and Potomac railroad; thence along the Anacostia road to the race course on the north, and also eastwardly to the northeast corner of the District of Columbia, where the road will connect with the steam railway now being constructed from the District line to Chesapeake Beach.

The Benning road is very narrow, and in time will be widened. It is proposed to locate the line of the Columbia Railway entirely outside of the present Benning road on land to be acquired by the company, the tracks to be located so that when the road shall be opened to the full width contemplated in the highway extensions the tracks will occupy the position which they would naturally occupy if the road were already widened. The road will cross the Anacostia Flats and the Eastern Branch on a causeway and trestle to be built by the road and to be under the inspection of the Commissioners of the District of Columbia, so that the Benning Bridge will not be used for street railway purposes. Also it is proposed that the road shall pass underneath the tracks of the Baltimore and Potomac and Baltimore and Ohio railroads, so that there shall be no grade crossing. In other respects the bill has been guarded so as to protect the District.



MARTHA ANN HYNES.

FEBRUARY 1, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 3345.]

The Committee on Pensions, to whom was referred the bill (S. 3345) granting a pension to Martha Ann Hynes, have examined the same and report:

The claimant is the widow of Andrew R. Hynes, deceased, who was second lieutenant of Company C, Fifth Regiment Louisiana Volunteers, Mexican war. She is now 75 years of age and has no means whatever to support herself, nor for several grandchildren who are dependent upon her for their support.

Hon. J. H. Berry, United States Senator from Arkansas, made a statement to the committee that he was well acquainted with the claimant, and fully corroborates the facts herein stated.

The bill proposes to increase the pension of this old and needy woman from \$8 to \$12 per month.

Amend the title so it shall read: "Granting an increase of pension to Martha Ann Hynes."

In view of these facts, your committee recommend the passage of the bill.



CAROLINE W. ABNEY.

FEBRUARY 1, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 3064.]

The Committee on Pensions, to whom was referred the bill (S. 3064) granting a pension to Caroline W. Abney, have examined the same and report:

The claimant herein, Caroline W. Abney, is the widow of M. W. Abney, who was in Colonel Denny's company, South Carolina Volunteers, Indian war, having enlisted February 7, 1836, and was honorably discharged May 10, 1836, having received a bounty land warrant in recognition of his services, under the act of 1855. Claimant was married to the soldier December 24, 1840. He died March 20, 1885, and she has not remarried since. She now receives a pension of \$8 a month, and asks for an increase on the ground of a "fracture of the thigh bone, rendering her unable to use her limb. She has no means of support, is dependent upon her daughters, who are really unable to give her support." Her condition in life and destitute circumstances are well known to Hon. B. R. Tillman, United States Senator from South Carolina, who corroborates the statements above mentioned and submits a letter to that effect.

Your committee recommend the passage of the bill with two amendments, as follows:

Amend by striking out, in line 7, the words "the Palmetto Regiment in the Mexican war," and insert in lieu thereof the words "Captain Denny's company, South Carolina Volunteers, Indian war;" and also strike out the word "fifteen," in line 8, and insert the word "twelve," so as to read "twelve dollars per month."

E. H. MURRELL.

FEBRUARY 1, 1898.—Ordered to be printed.

Mr. MARTIN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 3426.]

The Committee on Claims, to whom was referred the bill (S. 3426) entitled "A bill for the relief of E. H. Murrell," respectfully report the same with recommendation that it pass. A similar bill passed the Senate in the Fifty-third and Fifty-fourth Congresses, and in the Fifty-fourth Congress the Senate also adopted the item embraced in it as an amendment to the deficiency. A similar bill was also reported favorably by the Committee on War Claims of the House of Representatives in the Fifty-fourth Congress.

Your committee adopt the report made by the Committee on Claims of the Senate in the Fifty-fourth Congress, which is as follows:

[Senate Report No. 259, Fifty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 1590) for the relief of Edward H. Murrell, respectfully report the same and recommend its passage.

Dr. Edward H. Murrell, the applicant, is a citizen of Lynchburg, Va., and his domicile was never otherwise than where it now is, either before, during, or since the war. His property in New Orleans was leased by him, and, as stated in his affidavit, was never abandoned nor was it ever captured except in the sense that it was in the city of New Orleans when the Confederate authorities surrendered the city to Gen. Benjamin F. Butler and the United States Army under pledge of protection of private property.

The Committee on Claims of the Senate, Fifty-third Congress, third session, reported the same bill favorably, and the Committee on Claims of the House, the bill having passed the Senate, did likewise.

The facts in the case are set forth in the report of the Committee on Claims of the Senate at the third session of the Fifty-third Congress, and we adopt the same.

The said report is as follows:

The Committee on Claims, to whom was referred the bill (S. 1881) for the relief of Edward H. Murrell, respectfully report the same and recommend its passage.

The bill provides for the payment to Edward H. Murrell, a citizen of Virginia, the sum of \$1,409.34, and was referred to the Secretary of the Treasury for information as to the items of account. Hon. W. E. Curtis, Acting Secretary of the Treasury, replied in a letter dated May 5, 1894, in which he says that the records of the Treasury show that B. F. Flanders, supervising special agent at New Orleans, under acts of Congress of March 12, 1863, and July 2, 1864, and the rules of the Treasury, seized certain premises there as abandoned property, of which Edward H. Murrell was the

reputed owner, and that as appears by his account he received as rent for the premises and turned over to the Treasury Department, as follows:

From No. 106 Poydras street.....	\$293. 00
From No. 112 Poydras street.....	578. 61
From No. 31 Natchez street.....	537. 73
Total	1, 409. 34

The Acting Secretary of the Treasury states that under the third section of the act of March 12, 1863, claimants had until two years after the close of the rebellion, to wit, until August 20, 1868, the right to file their claims in the Court of Claims, and as they did not do this, Congress must be the judge as to whether they should now be paid and upon what condition.

Mr. Murrell explains in his petition that he had obtained the papers upon which to base his claim, and that his overcoat containing them was stolen. There can be no doubt that this money was collected and turned into the Treasury, and it seems just and right that it should be restored.

Gen. Benj. F. Butler, to whom the city of New Orleans was surrendered, pledged the Government to the protection of private property, and the Supreme Court of the United States in the case of *Planters' National Bank v. Union Bank*, 16 Wall., 483, has decided that this pledge binds the Government.

Furthermore, it appears that Mr. Murrell, who was a citizen of Virginia, was pardoned by President Johnson for any participation in the rebellion.

The letter of Acting Secretary Curtis is hereunto attached with the petition of E. H. Murrell.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 5, 1894.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant inclosing Senate bill No. 1881, for the relief of Edward H. Murrell, and you ask, in effect, if the Treasury records are in accord with the facts as stated in the bill.

In reply, you are informed that the records show that B. F. Flanders, supervising special agent of the Treasury Department at New Orleans, under the provisions of the act of March 12, 1863 (12 Stat. L., 820), and the act of July 2, 1864 (13 Stat. L., 375), and pursuant to the rules and regulations of the Secretary of the Treasury, approved by the President, seized certain premises as abandoned property in New Orleans, of which Edward H. Murrell was the reputed owner, and that the said B. F. Flanders, as appears by his account rendered, received as rent from the premises and turned over to the Treasury Department, as follows:

From No. 106 Poydras street	\$293. 00
From No. 112 Poydras street	578. 61
From No. 31 Natchez street.....	537. 73
Total.....	1, 409. 34

Also, that no rents were derived from these premises prior to December, 1864, and none after June, 1865, and that under instructions Mr. Flanders, July 1, 1865, turned over this property to the Bureau of Refugees, Freedmen, and Abandoned Lands, and received an official receipt therefor.

The records of the Department disclose the fact that a large number of similar claims might be presented, and it would seem, therefore, that if they are to be paid, a uniform mode of settlement should be provided.

I will state, further, that under the third section of the act of March 12, 1863 (12 Stat. L., 820), these claimants had until two years after the close of the rebellion—to wit, until August 20, 1868—the right to file their claims in the Court of Claims. As they did not do this, Congress must be the judge as to whether they should now be paid and upon what conditions.

Respectfully, yours,

W. E. CURTIS,
Acting Secretary.

Hon. D. CAFFERY,
Committee on Claims, United States Senate.

To the Congress of the United States:

Your petitioner respectfully represents that in 1861 and for many years afterwards he was the owner of the following houses in New Orleans, La., to wit: No. 106 Poydras street, No. 112 Poydras street, and No. 31 Natchez street. The rents of those

houses were sequestered by the agents of the United States and their rents, amounting to \$1,409.34, were turned into the Treasury, according to the accounts of B. F. Flanders, a Treasury agent. These rents were derived from December, 1864, to July, 1865. The city of New Orleans was taken possession of by the military forces of the United States under proclamation of the commanding general, promising protection to property, which has been held by the Supreme Court to be binding.

Your petitioner, who resided then, as now, in Lynchburg, Va., was pardoned by President Johnson for sympathy for the Confederate cause during the war, in which cause he took no further part than as a citizen of Virginia to give his adhesion to the de facto condition of things. In point of fact, your petitioner's property was sequestered to a much larger extent than is indicated by these items, and he had prepared at one time to substantiate his claim to this and other items, but his overcoat containing the papers was stolen, and he was without the evidence upon which to sustain his claim. It is undisputable that the items aforesaid were collected and received by the United States and turned into the Treasury, and he respectfully asks that they may be restored and paid to him.

Very respectfully,

E. H. MURRELL.

In this case it appears that on May 1, 1862, when New Orleans was recaptured by the United States authorities, a large balance lay in the Union Bank of Louisiana, at New Orleans, to the credit of the Planters' Bank of Tennessee, with a number of drafts and other claims for collection and some Confederate bonds for sale. It had been understood between the two banks that the drafts and claims thus forwarded for collection and the bonds sent for sale were payable only in Confederate currency, and that all collections on account of the Planters' Bank had been made in currency with its knowledge and authority.

On entering New Orleans, General Butler issued a proclamation declaring that all the rights of property of whatever account would be held inviolate, subject only to the laws of the United States.

On the 6th of August, 1861, Congress passed an act to confiscate property used in insurrection purposes, and subsequently, on the 17th of July, 1862, an act to suppress insurrection, and for other purposes.

These acts designated certain agents for seizing the property of the rebels, and prescribed certain judicial proceedings of condemnation. But neither gave authority to military commanders to seize such property, nor did either make the property of any incorporated banks liable to such seizure.

General Banks, who succeeded General Butler, issued an order on the 17th of August, 1863, requiring the balance in the Union Bank to be taken possession of by the Government as the property of the enemy, and \$211,774 was accordingly paid in Confederate notes to the quartermaster by the Union Bank.

The Supreme Court of the United States held that this seizure was in violation of General Butler's pledge of protection to property, which it said "only reiterated the rules established by the legislative and executive action of the National Government in respect to the portions of the States in insurrection occupied and controlled by the troops of the Union." And that "that action indicated the policy of the Government to be not to regard districts occupied and controlled by national troops as in actual insurrection, or their inhabitants as subject, in most respects, to treatment as enemies."

It is therefore plain that the confiscation of Mr. Murrell's property by the United States Government was illegal and in violation of General Butler's order giving it protection. The Government ought, therefore, to restore it.

LYNCHBURG, VA., *September 14, 1895.*

The CHAIRMAN AND COMMITTEE ON CLAIMS:

This plaintiff avers that he was a citizen and resident of the State of Virginia, and that his domicile was never in the State of Louisiana or the city of New Orleans before, during, or since the civil war between the States, and that he was only the owner or proprietor of the several tenements, storehouses, occupied by lessors, which were never vacated or abandoned at any time during the occupation of the said city of New Orleans by the Federal troops, and that the said lessors had duly executed their notes in payment of the leases of the aforesaid premises until after the capitulation of the city aforesaid, when the equivalent in money was collected of the said lessors by Federal officials and deposited in the United States Treasury, and that a large part of the said proceeds was applied to the establishment and purposes of the Freedman's Bureau in the said city of New Orleans, which has never been refunded to this plaintiff, and which said sum is not embraced in the pending bill now before Congress, because of the loss of the certified evidence of Federal

officials, occasioned by a sneak thief in Barnum's Hotel when this plaintiff was en route from New Orleans, via the city of Baltimore, to the city of Washington, in the year 1865, and because of the removal of the Federal troops, whose destination could not be ascertained or duplicate copies be obtained of the aforesaid parties.

In confirmation of which reference can be made to Major-General Howard, chief of the Freedman's Bureau at that date, and confirmatory of the theft by an advertisement in the Baltimore Sun, or Mr. Dorsey, the proprietor of Barnum's Hotel at that date. This plaintiff further avers that he was never mustered in the Confederate States Army, and was exempted by law of the Confederate States Congress.

Therefore, this plaintiff alleges that the proceeds arising from the notes of the aforesaid lessors collected by Federal officials during the occupancy of the said city by Federal troops was in direct violation of the proclamation of Gen. Benjamin F. Butler, the commanding officer of the Federal troops, which assured the safety of the citizens and the protection of their property. Furthermore, that the proceeds collected from his lessors by Federal officials as aforesaid was not amenable to or in any form obligated by the act of Congress relating to captured and abandoned property, and that the said proceeds which were applied to the use and purposes of the Federal Government or deposited in its Treasury by the said Federal officials and never refunded to this plaintiff, is a violation of the fifth article of the amended Constitution of the United States, which provides that private property shall not be taken for public use without just compensation.

EDWARD H. MURRELL.

VIRGINIA, *City of Lynchburg, to wit:*

Sworn to and acknowledged before me this 19th day of September, in the year 1895.

[SEAL.]

DON P. HALSEY, *Notary Public.*

My claim, with Richard Parsons's and A. Winslow's, was placed in the possession of Samuel Patterson, of this city, for collection, soon after the close of the civil war, as our agent, and he turned it over to Hon. Mr. De Zendorf, of the House of Representatives, and I was never advised of any reason why it was not paid and know of no reason why it should not be paid, as all city taxes were paid, both during the occupation of the city of New Orleans by the Federals and afterwards, and there was no incumbrance on this property of any kind.

E. H. MURRELL.

"ITEWAYAKA," OR "ONE-ARMED JIM."

FEBRUARY 1, 1898.—Ordered to be printed.

Mr. KYLE, from the Committee on Pensions, submitted the following REPORT.

[To accompany S. 1541.]

The Committee on Pensions, to whom was referred the bill (S. 1541) granting a pension to "Itewayaka," or "One-Armed Jim," have examined the same and recommend the passage of the bill with an amendment: Amend by striking out all after the word "rate" and insert in lieu thereof the words "of twelve dollars per month."

UNITED STATES SENATE,
Washington, D. C., May 21, 1896.

This man, "Itewayaka," or "One-armed Jim," was one of the number of scouts in the Government employ in Minnesota from 1862 to the close of the war, during and about the time of the New Ulm massacre, at Mankato. The petition and the evidence which I left with the bill indicated that this man lost his arm while in the service of the Government and acting under military instructions. I do not know what the pension law is relative to such matters, that is, the pensioning of men who were not actually enlisted or mustered into service. There were a number of these scouts who did as good service for the Government as any of the regularly enlisted soldiers, and it seems to me they should be entitled to recognition under our pension laws.

Two gentlemen from Sisseton Reservation, in South Dakota, are now in Washington, attending to some matters before the Interior Department, and as they were present and in the employ of the Government as scouts at the time of the New Ulm massacre, and were acquainted with the circumstances under which "Itewayaka," or "One-armed Jim," lost his arm, I have asked them to come before the committee and make a statement. These two men are Samuel J. Brown, who during the war acted as chief of scouts and acting military agent, and Chief Solomon Two Stars, a full-blooded Indian, who acted as chief of scouts, in New Ulm, Minn., to the close of the war.

JAMES H. KYLE.

I know "Itewayaka," or "One-armed Jim," well, and know that he was in the Government service, and that he, on or about the middle of May, 1865, was brought to fort for the purpose of having his hand amputated; that I was present when the

surgeon, a Dr. Farley, amputated it. I remember well the incidents; one was the remark he made just before the arm was cut, and while he was being put under the influence of anesthetics, that he wanted the surgeon to be sure and see that he save one finger and thumb, but when the surgeon examined the hand he found that mortification set in to nearly one-half way to the elbow, and he had to cut it off between the wrist and elbow. When "One-armed Jim" came to, he was very much disappointed, and said we had lied to him. In the spring of 1865 a scouting expedition was made. The organization was perfected about the middle of May, 1865. These scouts were sent out to occupy stations 12 or 15 miles apart; each squad was commanded by a chief, 12 or 15 scouts.

About March of that same year a large party from the Northwest, under the leadership of one Jack Campbell, visited the region of Mankato and committed those atrocious murders that were known as the Jewett. They nearly created a stampede from the State. This man Campbell had murdered a wealthy farmer about three miles from Mankato and put on the dead man's clothes and went into town; it was supposed for the purpose to find out what the intention of the whites would be toward the Indians, and that he was recognized and was at once arrested by a mob, thrown into a wagon and taken to the court-house square at Mankato, and hung to a tree. The remaining fifteen fled from him with horses, guns, silk dresses, and silverware, and they managed to pass the soldiers and managed to get outside of the State of Minnesota, and were taking the things homeward when our scouts intercepted them all but one man. These fifteen were called during the month of May, 1865, at different times. There was one of the party of five to which the lame Jim belonged who was under Two Stars as chief. We were in the third subdistrict in the military district of Minnesota, of the Department of Northwest, commanded by General Sibley and under the immediate orders of Maj. R. H. Rose, commandant of those subdistricts. Major Rose was of the Second Regiment of Minnesota Cavalry. We were paid \$1, \$1.50, and \$2 a day, according to the service furnished, and the Indians who served with a horse were paid more than those who served without a horse. We drew our pay from the recorder master at Fort Wadsworth, D. T., by A. H. Mills, I think, but am not positive. I belonged to the Sisseton and Wahpeton bands.

SAMUEL J. BROWN.

STATEMENT.

- Q. Did you know "Itewayaka," or "One-armed Jim?"—A. Yes.
 Q. Did you know him from 1862 to 1865?—A. Yes.
 Q. What troop of Indians did you belong to?—A. To the Sisseton Indians.
 Q. Are you a full-blooded Indian?—A. Yes.
 Q. Is "Itewayaka" a full-blooded Indian?—A. Yes.
 Q. Were you employed by the Government from 1862 to 1865?—A. Yes.
 Q. Part of the time you were chief of scouts?—A. Yes.
 Q. Did "Itewayaka" serve as a scout under you?—A. Yes.
 Q. Were you employed by the Government at that time?—A. Yes.
 Q. Did you receive your pay from the Government?—A. Yes.
 Q. Did you fight under military orders?—A. Yes.
 Q. Do you remember the time when you were ordered on this expedition, during which time "Itewayaka" lost his arm?—A. Yes.
 Q. How did he happen to lose his arm?—A. He had received instructions from the commanding officer at Blue Earth County, Minn., to keep a lookout for some Indians that had committed the Jewett murder. Those Indians, as he stated, were the ones that committed those horrible murders at Mankato.
 Q. Under whose orders were you acting then?—A. Under the instructions of Maj. R. H. Rose, of the Second Regiment Minnesota Cavalry.
 Q. How did he come to be hurt?—A. That while chasing the Indians he and Two Stars reached the Indians first, and "One-armed Jim" was behind us, and that they had better dispose of those two in case the one got away. Then this lame Jim loaded his gun and fired at the Indians and the gun burst and tore off his hand.
 Q. Do you remember of him having his arm amputated?—A. Yes. He notified the commanding officer, who sent down a team and had him brought to the hospital.
 Q. This is the same man who now lives in the Sisseton Agency?—A. Yes.

TWO STARS, Chief.

WASHINGTON, D. C., October 1, 1892.

SIR: In the case of the Indian, "Itewayaka," for pension, you are informed that the records of the War Department do not show that the organization known as Major

Rose's Indian Scouts, in which claimant alleges service, was ever mustered into the service of the United States. If this claimant received a discharge from his service he should forward it to me, and if he served in any other organization he should give the name of that organization, with a full statement as to time of enlistment and discharge and service performed.

Very respectfully,

C. D. PENNEBAKER.

Mr. JOHN A. MUNRO, *Wilmot, S. Dak.*

STATE OF SOUTH DAKOTA, *County of Roberts, ss:*

"ITEWAYAKA," or "ONE-ARMED JIM," being first duly sworn, deposes and says: That he is a Sioux Indian of the Sisseton band, and that he entered the military service of the United States as a scout, in the military district of Minnesota, on or about the 11th day of April, A. D. 1863, and continued to serve in said district in said military service until discharged therefrom, on or about the 1st day of October, A. D. 1864. That while he was in such service and engaged in action with a party of hostile Indians who had been on a raid and had killed the Jewett family in Blue Earth County, Minn., the barrel of his gun bursted and tore off his left hand and a portion of his left arm, so that his hand had to be amputated, and was amputated, by Dr. Farley. That he has always been friendly to the whites, and observed every obligation imposed upon him by treaty and by natural or municipal law. That he is now 63 years of age and unable to support himself with but one single hand and arm; and that he makes this affidavit for the purpose of being placed on the pension roll of the United States at the rate allowed for the loss of a hand and arm to enlisted men in the service. And further deponent saith not.

ITEWAYAKA.

Sworn to and subscribed before me on this — day of —, A. D. 1891.

United States Indian Agent, Sisseton Agency.

STATE OF SOUTH DAKOTA, *County of —, ss:*

TWO STARS, being first duly sworn, deposes and says that he is a Sioux Indian of the Sisseton band; that he was in the military service of the United States as a scout in the district of Minnesota from about the 10th day of February, A. D. 1863, to the 15th day of October, A. D. 1866; that while he was so in the military service of the United States he was often sent by General Sibly, commanding the districts, and by Gabriel Renville, commanding the Indian scouts, on scouts and reconnoissance for hostile Indians; that while engaged in one of said scouts with a party of Indians numbering about five, of whom Itewayaka or "One-Armed Jim" was one, and about the — day of —, A. D. 186—, he came upon a party of hostile Indians numbering five, who had been on a raid to Blue Earth County, Minn., and had murdered the Jewett family; that he immediately ordered his party to attack the hostile raiders, which they did, and killed all of the same save one; that during the engagement the gun of "Itewayaka," or "One-Armed Jim," bursted near the breech and tore off his left hand and a portion of his left arm, and that the same had to be amputated, and was amputated by an assistant surgeon of the United States Army, Dr. Farley, and that the said "Itewayaka," or "One-Armed Jim," is now a resident of the Sisseton Reservation, in South Dakota, where this deponent also resides; and further this deponent saith not, except that he makes this affidavit to enable the said "One-Armed Jim" to go upon the pension roll of the United States at the same rate as an enlisted man in the United States Army for a similar wound.

TWO STARS.

Sworn to and subscribed before me on this — day of —, A. D. 1891.

United States Indian Agent, Sisseton Agency.

STATE OF SOUTH DAKOTA, *County of —, ss:*

ECETUKIYE, being first duly sworn, deposes and says that he has read the foregoing affidavits of Itewayaka and Two Stars, and that the facts therein narrated were reported to him on the same day of the occurrence by Two Stars, who was in charge of said band of Indian scouts; and that the arm of Itewayaka was off at the time, and all the Indians in the scouting party concurred in the statement that it had been

torn off by the bursting of his gun while engaged in battle with the raiding party of hostile Indians that had murdered the Jewett family; that he was chief of Indian scouts at the time, and has no doubt whatever of the correctness of the statement made in the affidavits aforesaid; that soon after the occurrence his inspector of scouts, Samuel J. Brown, gave a certificate to Itewayaka in the words and figures following, which he saw at the time, and has repeatedly seen since, viz:

SPECIAL MILITARY AGENCY,
Fort Wadsworth, Dak., April 2, 1866.

This is to certify that the bearer, Itewayaka, is a Sisseton Sioux Indian, and a true and tried friend of the whites; and that while on duty as a Government scout, and during a fight with hostile Indians in May last, his gun bursted and he suffered the loss of a hand; and that I was present and witnessed the amputation of his hand above the wrist, which operation was performed by Dr. Farley, of this post.

I trust that this faithful friend of the whites may always receive the kind treatment which he merits.

SAM. J. BROWN,
Inspector of Scouts, Acting Military Agent.

And deponent says that the foregoing statement is true, and that said wounded scout has always been a good and faithful Indian, observing all treaties and laws of both the Indians and whites, and that he earnestly requests that his name may be placed upon the pension roll of the United States at the same rate of pension per month as is allowed an enlisted man for a like disability or wound.

GABRIELL BENVILLE.

Sworn to and subscribed to before me on this — day of —, A. D. 1891.

United States Indian Agent, Sisseton Agency.



CLARA A. SOUTHARD.

FEBRUARY 1, 1898.—Ordered to be printed.

Mr. CANNON, from the Committee on Pensions, submitted the following

ADVERSE REPORT.

[To accompany S. 1405.]

The Committee on Pensions, to whom was referred the bill (S. 1405) providing a pension for Clara A. Southard, have examined the same, and report:

The bill proposes to place upon the pension roll at the rate of \$12 per month the name of Clara A. Southard, widow of Erastus M. Southard, late of Company K, One hundred and sixty-first Ohio Infantry Volunteers.

The records of the Pension Office show that on August 6, 1890, the petitioner filed therein a claim for pension under the general law, and that on September 14, 1891, she filed an application for pension under the act of June 27, 1890. She alleged that the death of her husband was due to disease of lungs contracted in the service, death occurring November 5, 1889. The records of the War Department show the enlistment of this soldier May 2, 1864, and his honorable discharge September 2, 1864. The only testimony furnished in the claims is the affidavit of one witness as to the existence of the alleged fatal disease of lungs from date of discharge from the service to the year 1875.

At this date nothing of record in the papers indicates that the claims are not susceptible of proof before the Pension Bureau, and as final action has not been had therein, and as a favorable adjudication by said Bureau would be very much more to the pecuniary benefit of the petitioner than would the passage of this bill, your committee, mindful of these facts and acting in conformity to established precedents, are constrained to report the bill adversely.

CHICAGO & SOUTH

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KASKASKIA, PEORIA, PIANKESHAW, AND WEA INDIANS.

FEBRUARY 1, 1898.—Ordered to be printed.

Mr. MANTLE, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 246.]

The Committee on Indian Affairs, to whom was referred the bill (S. 246) to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians, report the same with amendment, and recommend the passage of the bill.

Under the provisions of the treaty of 1854, some 200,000 acres of land in Kansas belonging to the Kaskaskia, Peoria, Piankeshaw, and Wea Indians was ceded to the United States, in trust, to be sold and the proceeds invested for their benefit. By the terms of this treaty the lands were to be sold in the same manner in which public lands of the United States were sold, through the regularly established land offices, the Indians to have the entire proceeds after deducting the expense incident to the sale. Instead, however, of the lands being sold in the manner prescribed by the treaty, a special agent was appointed to conduct the sale, and who sold the whole of the trust lands, except 1,070 acres, between June 24 and July 13, 1857.

The Indians claim that between the time of appraisal and the time of sale the lands had appreciated in value at least \$1 per acre, but instead of being offered at public sale to the highest bidder, as required by the treaty, thereby giving them the benefit of competition, squatters were permitted to purchase the lands in large tracts at the appraised value, to the great detriment and loss of the Indians, the sale being rushed through and 200,000 acres of very valuable land disposed of in nineteen days.

The losses thus sustained by the Indians were, however, relinquished by them by the terms of the twenty-fifth article of the treaty of 1867 with them. They claim that through their ignorance they were overreached in negotiating the treaty of 1867, and that the relinquishment of their rights under the treaty of 1857 was unjust and unfair, and that

in a spirit of good faith and fair dealing they are entitled to a readjustment of the entire transaction, to the end that justice may be done them.

By article 24 of the treaty of 1867 with these Indians, it was provided that "an examination shall be made of the books of the Indian Office and an account current prepared stating the condition of their funds, and the representations of the Indians for overcharges for sale of their lands in 1857 and 1858 shall be examined, and if any amount is found due, such balance, together with the interest on their invested funds, shall be paid to them upon the 1st day of July, 1867." * * * (15 Stat. L., p. 519.)

Although this account current was to be rendered, and the amount found due was to be paid to the Indians on the 1st day of July, 1867, the account was not rendered until December 23, 1874. (See House Ex. Doc. No. 101, Forty-third Congress, second session.)

Nothing further was done toward a settlement with the Indians, as required by the treaty of 1867, until January 17, 1877, at which time the Senate Committee on Indian Affairs made a thorough and exhaustive report upon the matter, and wherein the sum of \$25,504.96 was found to be due these people. (Senate Report No. 582, Forty-fourth Congress, second session.) It is now nearly thirty years since, under the treaty of 1867, the amount due these Indians should have been paid to them, and more than twenty years since the date of the report of the Senate committee. The Indians have been kept out of the use of this money for nearly a third of a century. These people are very poor. Of all the vast domain once owned by them, and the proceeds thereof, this pittance is all that remains, and the Government ought not in good faith to longer withhold from them what is legally and justly due them.

The relief sought by the proposed legislation meets with the approval of the Secretary of the Interior and Commissioner of Indian Affairs. The Commissioner suggests certain amendments which your committee have adopted, and the bill is favorably reported with recommendation that it pass.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 2, 1896.

SIR: I have the honor to be in receipt, by your reference of the 27th ultimo, of a communication, dated the 26th ultimo, from the House Committee on Indian Affairs, inclosing H. R. 9145, entitled "A bill to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians."

The bill enacts—

"That the Secretary of the Interior be, and he is hereby, authorized and required to reopen and restate the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians, under the treaties of eighteen hundred and fifty-four and eighteen hundred and sixty-seven, and that in such restatement of said account be restored to their credit such sums or portions of their trust funds as he may find to have been improperly or unjustly taken therefrom or diverted to purposes other than for their use and benefit; and to enable the Secretary of the Interior to indemnify the funds of said Indians for any diminution which they have sustained thereby, the sum of — thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated."

In response I have the honor to report that legislation similar to the foregoing was heretofore sought to be enacted and was at the time favorably reported upon by this office. I would respectfully recommend, however, that the bill be amended in the following particular: That in lieu of a specific sum being named it be amended so as to appropriate a "sufficient sum" to cover the findings, if any, of the Secretary of the

Interior. And further, I would recommend that the following proviso be inserted: *Provided*, That before any payment, if any, shall be made to said Indians under this act the sum of \$1,181.60 shall be deducted and paid to T. F. Richardville, or his legal representatives, on account of money loaned to said Indians.

I will add that there are letters on file in this office showing Mr. Richardville's claim to be a just and valid one.

The bill referred to is herewith respectfully returned, with the recommendation for favorable action by the Department.

Very respectfully,

D. M. BROWNING, *Commissioner*.

The SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., *June 4, 1896.*

SIR: I have the honor to acknowledge the receipt of your letter of 29th ultimo, inclosing for report H. R. 9145, "A bill to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians."

In response thereto I transit herewith copy of communication of 2d instant from the Commissioner of Indian Affairs, to whom the matter was referred, and copy of Executive document containing recommendation therein referred to.

The Commissioner recommends certain amendments to the bill.

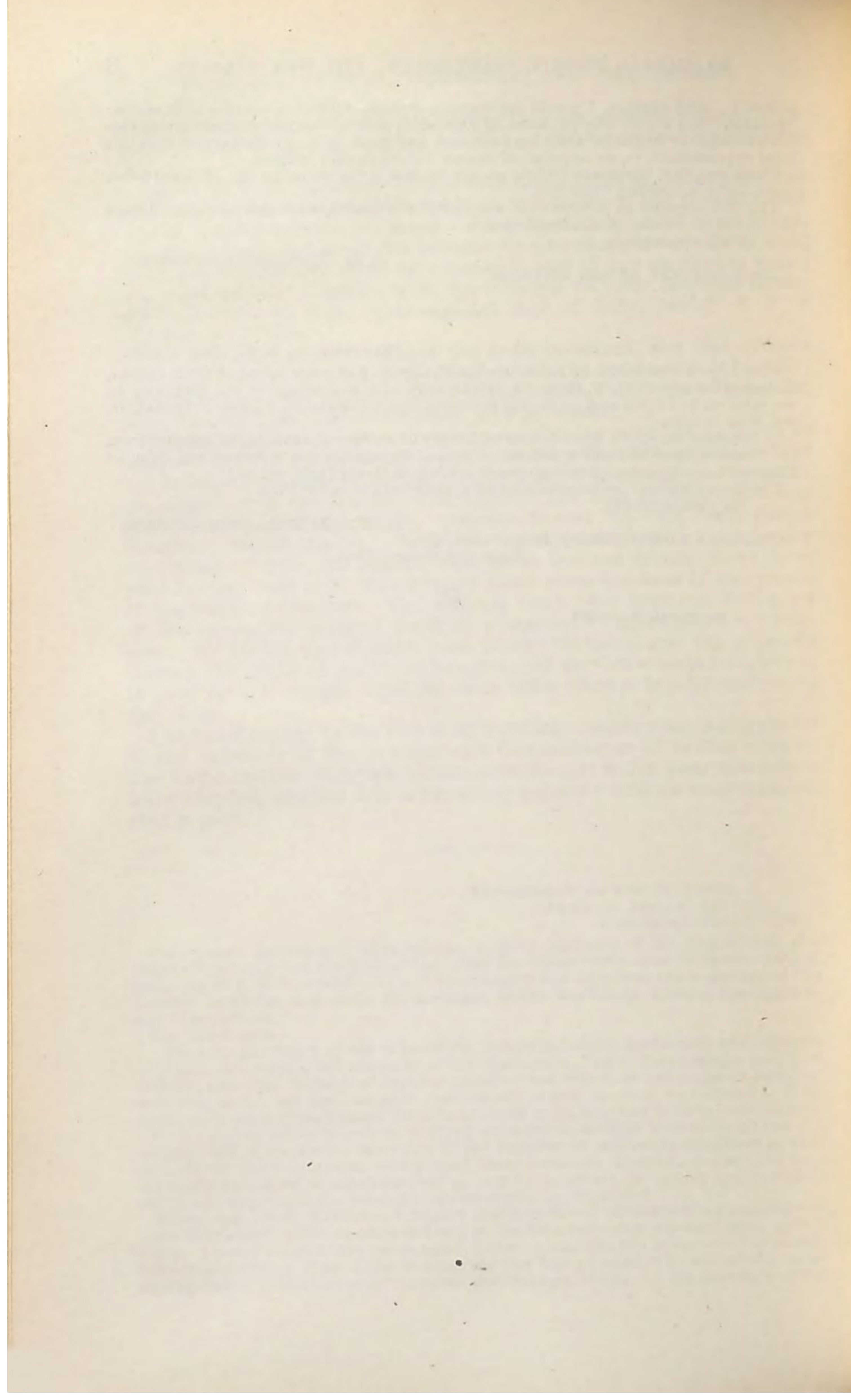
Very respectfully,

WM. H. SIMS, *Acting Secretary*.

CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

○

S. Rep. 1—27



MEDALS OF HONOR TO OFFICERS AND MEN OF THE NAVY.

FEBRUARY 2, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Naval Affairs, submitted the
following

REPORT.

[To accompany S. R. 19.]

The Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 19) to extend to the officers, warrant officers, petty officers, seamen and others, and marines of the United States Navy the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, and the joint resolution approved May 2, 1896, make a favorable report upon the same.

The object of this joint resolution is to provide for the issue of a medal of honor, with the proper rosette and ribbon, to such officers and men of the Navy as may have heretofore or shall hereafter distinguish themselves by their gallantry in action.

Every naval or military service in the world recognizes the value of distinguishing in some manner those who have displayed special gallantry or heroism while serving their country in battle. A medal of honor has been granted to the officers and men of our Army as a form of recognition most suitable to the traditions of our country, and it seems most suitable to extend this to the officers and men of our Navy.

During the late war the thanks of Congress were conferred many times upon individuals and, collectively, upon the officers and men of the various squadrons for brilliant and decisive victories. This medal, although of small intrinsic value, would be highly prized as a distinctive recognition of their gallantry in action by those upon whom it should be conferred and by their descendants, and would serve to encourage others to emulate their example should the country again require similar services.

This resolution is earnestly advocated by the officers and men of the Navy as a measure of justice that will equalize the laws and place the sailor in the same light with the soldier in the eyes of his countrymen.

2 MEDALS OF HONOR TO OFFICERS AND MEN OF THE NAVY.

The resolution was referred to the Secretary of the Navy for examination and report, and has the favorable indorsement from the Navy Department, as follows:

NAVY DEPARTMENT,
Washington, April 1, 1897.

SIR: Referring to S. R. 19, joint resolution to extend to the officers, warrant officers, petty officers, seamen and others, and marines of the United States Navy the provisions of the joint resolution approved July twelfth, eighteen hundred and sixty-two, and the act approved March third, eighteen hundred and sixty-three, and the joint resolution approved May second, eighteen hundred and ninety-six, and to the committee's request of the 27th ultimo to be advised as to the views of the Department in regard thereto, I have the honor to state that, after careful consideration of this resolution, which is intended to place the enlisted men of the Navy on the same footing as those of the Army with regard to medals of honor, etc., the Department considers it eminently proper that this resolution should be enacted into law, and therefore recommends the same to the favorable consideration of the committee.

Very respectfully,

JOHN D. LONG, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

○

JUDSON JONES.

FEBRUARY 2, 1898.—Ordered to be printed.

Mr. PLATT, of Connecticut, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 4847.]

The Committee on Patents, to whom was referred the bill (H. R. 4847) for the relief of Judson Jones, having had the same under consideration, recommend the passage of the same, with an amendment striking out the word "between," in line 11, and the words "and the eleventh day of January, eighteen hundred and ninety-eight," in lines 12 and 13, and inserting in line 11, before the words "the passage of this act," the words "within ninety days after."

The committee adopt the report of the House Committee on Patents as follows:

House Report No. 62, Fifty-fifth Congress, Second Session.

The Committee on Patents, to whom was referred the bill (H. R. 4847) for the relief of Judson Jones, submit the following report:

On January 11, 1870, Judson Jones, a citizen of the United States, then and now residing in the State of Minnesota, filed in the office of the clerk of the United States district court for the district of Minnesota, at the city of St. Paul, in said State, the title-page of a little spelling book, in the words following, to wit: The Alphabet of Orthoepy and Its Application to Monosyllables, by Judson Jones. As author and proprietor of said book, Mr. Jones entered into a contract with the St. Paul Press Printing Company by which said company undertook to print for and deliver to him an edition of 20,000 copies of said book within three months of the filing of said title-page, three months being then the legal time limit within which any copyrighted book must be published, dating from the filing of the title-page, or else the copyright was held void and invalid under the law. But the printing company before named did not keep its contract, and it was more than six

months from the date of filing of said title page before said printing company began the printing of said book, and it was some time in August, 1870, before the above-mentioned edition was ready for publication.

In the meantime, some weeks before the publication of said book, the copyright law was amended so as to require all title-pages to be filed thenceforth with the Librarian of Congress, and the two copies theretofore required to be filed within ten days of the publication of any copyrighted book with a clerk of the United States district court were now to be filed with the Librarian of Congress.

Immediately on the publication of his book, as aforesaid, Mr. Jones forwarded the two copies thereof to the Librarian of Congress, together with the copyright fee required. Hearing nothing from the Librarian of Congress, Mr. Jones forwarded a statement of his case to Mr. W. C. Dodge, solicitor of patents, Washington, D. C., from whom he learned that the Librarian had no power to correct the defect in the copyright resulting from the failure to file the two copies of the book within the three months of filing the title-page, as required by law, and that Congress alone could correct such defect. On this information, verified by examination of the United States copyright laws, Judge McMillan, then a United States Senator from the State of Minnesota, promised to introduce a bill for the relief of Mr. Jones. But he never did.

Later his successor in the United States Senate, Hon. Cushman K. Davis, looked the matter up for Mr. Jones and wrote him a letter inclosing a brief statement from the Librarian of Congress, Mr. Spofford, which asserted that Mr. Jones needed no relief, because the record of the clerk of the United States district court for the district of Minnesota showed a full compliance with the law; that the said record was by law conclusive, and that the copyright of Mr. Jones was, therefore, perfect and valid to all intents and purposes.

But in case of violation of his copyright Mr. Jones would be required, in any suit for damages, to verify said record under oath. This, being a conscientious man and being aware that the record is wrong, he could not and would not do. His copyright, therefore, though valid and protective in form, is not so in fact.

The first period of his copyright under the law (twenty eight years) will expire January 11, 1898. Mr. Jones desires to avail himself of the privilege granted by law of renewing the copyright for fourteen years thereafter. He naturally desires during those fourteen years the full protection of the law. To secure him such protection is the purpose of H. R. 4847. Believing that he is entitled to such protection, the Committee on Patents approve H. R. 4847, and recommend that it do pass with the phrase following "ninety-eight," in line 13, amended so as to read, "and the extension of copyright obtained thereon for the fourteen years following the said eleventh day of January, eighteen hundred and ninety-eight, is hereby declared a valid copyright."



ESTHER WILLIAMS.

FEBRUARY 2, 1898.—Ordered to be printed.

Mr. PRITCHARD, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 1983.]

The Committee on Pensions, to whom was referred the bill (S. 1983) granting an increase of pension to Esther Williams, have examined the same, and report:

The claimant herein is the widow of Gilbert M. Williams, who served in Captain Stephen's company, Georgia Volunteers, Florida war. It appears that sufficient evidence was presented to the Department upon which the soldier was allowed a bounty-land warrant for services in the Seminole war; that he was under the command of Colonel Bankhead, who died on the 29th of December, 1835, and was discharged later, the early part of the year 1836. Testimony shows that he was mustered in by A. O. Sorgan; that he and his comrades were paid by a United States officer, and his entering the service and the period for which he served and the payment he received is fully corroborated by testimony on file; that the claimant was married to the soldier June 3, 1837. The soldier's death took place September 1, 1863, since which time she has continued as his widow, never having remarried, and at the present time is 74 years of age and has no means of support other than the pension of \$8 a month, which it is clearly proved is insufficient for her support, having no other means whatever to depend upon or sustain herself in her declining years.

Your committee therefore recommend the passage of the bill, with an amendment. Amend by striking out "twenty," in line 8, and insert in lieu thereof the word "twelve."

LICENSES FOR CERTAIN OFFICERS OF SEAGOING STEAM VESSELS.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. FRYE, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 3415.]

The Committee on Commerce, to whom was referred the bill (S. 3415) to provide for licenses to certain officers of seagoing steam vessels, have carefully considered the same and submit the following report thereon:

A similar bill was reported from this committee in the Fifty-fourth Congress and passed the Senate, but failed to receive consideration in the House. The following letter from the Supervising Inspector-General, to whom that bill was referred, states well the reasons in favor of its passage. The present bill is drawn in accordance with the concluding paragraph of this letter.

TREASURY DEPARTMENT, STEAMBOAT-INSPECTION SERVICE,
OFFICE OF THE SUPERVISING INSPECTOR-GENERAL,
Washington, D. C., February 1, 1896.

SIR: I have the honor to acknowledge the receipt, by reference to this office for report, of a communication from the Committee on Commerce, United States Senate, inclosing Senate bill 1836, Fifty-fourth Congress, first session, "To provide for licenses to certain officers of seagoing passenger steam vessels," and requesting the honorable Secretary of the Treasury to furnish the committee with such suggestions as he may deem proper "touching the merits of the bill and the propriety of its passage."

I have the honor to report that the object of the bill is to require the second and third mates of seagoing steamers to be licensed. At present the law only requires the "chief mate" of such steamers to be licensed. It is the opinion of this office that the purposes of this bill are not only meritorious, but absolutely necessary to insure the safe navigation of seagoing steamers. I would respectfully suggest, however, that the object sought would be better accomplished by an amendment to section 4438, Revised Statutes, by striking out the word "chief," where the same precedes the word "mates," in the second line thereof, and inserting after the word "chief," in the second line of section 4440, Revised Statutes, a comma and the words "second or third," and after the word "of," in same line of section 4440, and preceding the word "steam," by inserting the word "seagoing." The object of these amendments is for lawful codification instead of leaving it to administrative codification by logical implication.

If, however, it should not be deemed advisable to amend the bill in the manner suggested, there is one amendment that certainly should be made, and that is to strike out the word "passenger" wherever the same occurs in the proposed bill, as, in the opinion of this office, it is just as important that seagoing freight steamers should have licensed second and third mates as it is for seagoing passenger steamers.

Respectfully, yours,

JAS. A. DUMONT,
Supervising Inspector-General.

The SECRETARY OF THE TREASURY.

The committee recommend that the bill do pass.

EMANUEL SCHAMP.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 18.]

The Committee on Military Affairs, to whom was referred the bill (S. 18) to remove the charge of desertion from the name of Emanuel Schamp, have had the same under consideration and submit the following report:

The record of this soldier, as given by the War Department, is as follows:

Case of Emanuel Schamp, late of the Twenty-first Ohio Light Artillery.

It is shown by the records that Emanuel Schamp was enrolled August 29, 1861, and mustered in as private in Company E, Twenty-first Ohio Infantry Volunteers, September 19, 1861, to serve three years. He is reported present on the rolls of the company to include that dated August 31, 1862. The four-months muster roll dated December 31, 1862, and the bimonthly muster roll dated February 28, 1863, report him, "Wounded at battle of Stone River, Tennessee, December 31, 1862; in hospital." He was admitted to No. 1, general hospital, Nashville, Tenn., January 1, 1863, with chronic diarrhea; disposition not stated; admitted to No. 1, general hospital, Indianapolis, Ind., January 13, 1863, with chronic diarrhea, and reported transferred therefrom January 16, 1863; admitted to No. 4, general hospital, Louisville, Ky., January 18, 1863, with vul. sclopet (gunshot wound), and reported transferred therefrom January 25, 1863, and admitted to Third street general hospital, Cincinnati, Ohio, January 26, 1863, with gunshot wound, right hand, and was discharged the service on surgeon's certificate of disability March 25, 1863, on account of gunshot wound of right hand, received at Stone River, Tennessee, December 31, 1862.

It is further shown by the records that Emanuel Benton enlisted April 3, 1863, and was mustered in as a private with the Twenty-first Battery, Ohio Light Artillery Volunteers, April 29, 1863, to serve three years. He is reported present on the rolls of the battery to include that dated December 31, 1863. The bimonthly roll of the company dated February 29, 1864, reports him: "Absent in hospital, Nashville, Tenn." On the subsequent rolls of the battery to include that dated February 28, 1865, he is reported present. The roll dated April 30, 1865, reports him absent with remark, "Deserted April 14, 1865," and the muster-out roll of the battery, dated July 1, 1865, shows him, "Deserted April 14, 1865, at Knoxville, Tenn." He was admitted to No. 2, general hospital, Knoxville, Tenn., February 9, 1864, with diarrhea, and is reported transferred therefrom February 21, 1864; admitted to Cumberland general hospital, Nashville, Tenn., February 25, 1864, with tinea capitis, and is reported transferred therefrom April 1, 1864; admitted to Brown general hospital, Louisville,

Ky., April 1, 1864, with perigo, and reported transferred therefrom April 7, 1864; admitted to hospital steamer *Charles McDougall* April 7, 1864, with "amputation of small and ring fingers R. hand," and reported transferred to Madison, Ind., April 8, 1864; and admitted to general hospital, Madison, Ind., April 8, 1864, "convalescent and tinas capitas" [tinea capitis], and was returned to (i. e., pronounced fit for) duty April 20, 1864. The medical records also show that he was in post convalescent hospital No. 1, Louisville, Ky., April 20, 1864. No diagnosis is given, but the remark "front" appears opposite his name.

Following is a synopsis of the testimony submitted in support of an application for removal of the charge of desertion and for an honorable discharge in the case:

The applicant, Emanuel Benton, of Lena, Park County, Ind., testified April 28, 1890, that he served faithfully until about April 14, 1865, when, having gone out of camp to get some milk, he was captured by Champ Ferguson's cavalry, and confined in the mountains until about the last of May; that when he escaped from his captors he went to Somerset, Ky., where he learned that his battery had departed from Knoxville, Tenn., for Texas; that he tried to obtain transportation to his command, but was unable to do so, and he had no money to pay his own way, and that he was marked as a deserter because he was out of camp without leave.

In an affidavit dated at Lincolnton, Lancaster County, Nebr., March 12, 1892, the applicant, Emanuel Benton, testified that he served faithfully until April 14, 1865, when, having left his quarters for the purpose of going to the house of his washerwoman, he was captured by bushwhackers, supposed to be a detachment of Champ Ferguson's command, who held him as a prisoner of war until the last of May, 1865; that upon his release he reported to the provost-marshal's office at Somerset, Ky., for transportation to his command; that he failed to obtain the transportation, and was not present with his battery when it was mustered out, and that he was only 20 years of age at the time and did not appreciate the importance of obtaining a discharge; that he enlisted in the Twenty-first Battery under his Christian name, Emanuel Benton, for the reason that he had just been discharged from the Twenty-first Ohio Infantry as Emanuel Schamp, on account of wounds received at Stone River.

William Mann, late second lieutenant of the Twenty-first Battery Ohio Light Artillery Volunteers, in an affidavit dated Woodlawn, Lancaster County, Nebr., testified March 11, 1892, that the applicant served faithfully until April 14, 1865, when he, with two other members of the battery, absented himself without proper leave; that the two comrades who accompanied the applicant returned to the battery, but the applicant failing to do so was reported a deserter; that affiant commanded the battery at the time and continued as its commanding officer until its muster out; and that he did not hear anything of the applicant from April 14, 1865, until March 4, 1892, when he met the soldier at Lincoln, Nebr., in the company of his brother, the Hon. Jerome Schamp, of Lincoln, Nebr. (No record has been found showing that this soldier was captured by the enemy or that he reported to the provost-marshal at Somerset, Ky., as alleged.)

The application for removal of the charge of desertion has been denied, and now stands denied, on the ground that the soldier did not serve until May 1, 1865, and that it has not been established that he was prevented from completing his term of enlistment by disability incurred in the line of duty, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, U. S. Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
May 25, 1896.

The SECRETARY OF WAR.

The following is the applicant's own statement of his case and the circumstances under which he left his regiment. It is contained in a letter from his brother, addressed to Hon. W. V. Allen, United States Senate.

LINCOLN, NEBR., May 18, 1896.

Hon. WM. V. ALLEN,
Washington, D. C.

DEAR SENATOR: Following find statement of Emanuel Schamp, as per your telegram:

I enlisted in the Twenty-first Ohio Volunteer Infantry and was mustered in the service August 2, 1861, and served until December 31, 1862, after the battle of Stone

River. I was severely wounded at battle, and was discharged the 25th day of March, 1863, on account of the wounds I received at the above-stated battle, having served nearly two years in the Twenty-first Ohio Volunteer Infantry.

On the 7th day of April, 1863, just a few days after I was discharged, I reenlisted in the Twenty-first Ohio Light Artillery, and served until the 14th day of April, 1865, when I, with some of the other boys, was out of camp, and I was taken prisoner and held a prisoner of war five or six weeks. The men who captured me belonged to Camp [Champ] Furgerson's notorious guerrilla band, and I was dragged around the mountains. I suffered all the indignities that any man could have suffered, being tied with a rope around the waist, made to run and travel by the horses for several days until I was completely worn out and had almost given up to die, when they turned me loose near Somerset, Ky. They threatened to shoot me on several occasions, as a retaliation for some of their men who had been taken prisoners by some of our forces.

I was not able to do anything for some time after I was released, but as soon as I could I reported to the provost marshal at Somerset, Ky., and tried to get back to the battery, but it had been mustered out of the service, and I have tried several times since the war to be mustered out and be reinstated on the rolls at Washington, but could not on account of not getting affidavits from my commanding officers, but now I have got them. I draw a pension of \$12 a month for the wounds I received, which have totally disabled me for work of any kind. I served about, or nearly, four years, and was in active service all the time I was out, and I have not got a mark against me for bad conduct of any kind while I was in either regiment of the service. Now, the Pension Commissioner notified me that he will stop my pension on the charge of desertion. Now, any man can see that no one would want to desert after the war was over and peace declared; besides, we were looking to be discharged every day; and if my pension is taken away from me, myself and family are bound to suffer, for I have a wife and four small children who depend on me for their support and it is all that I have to support them on now.

Yours, truly,

EMANUEL SCHAMP.

Subscribed in my presence and sworn to before me this 18th day of May, 1896.

THOMAS DARNALL, *Notary Public*.

Commission expires April 30, 1902.

LINCOLN, NEBR., *May 21, 1896.*

DEAR SENATOR AND COMRADE: Yours just received, and I hasten to comply with your request, and sincerely trust that it may be of value to you in procuring my brother's rights in this matter.

My brother is in a bad condition, completely disabled from performing any manual labor from the effects of his wounds and exposure while in the service of his country, and I might say to a certain degree both mentally and physically.

The thoughts at this time apply to his losing his little pension that he now gets, and his dread of coming to want causes me very much uneasiness for his physical welfare and health.

I sincerely trust that you may be able to at least stop the Department from suspending his pension which he now draws until further action can be taken to restore him in this case, and procure him an honorable discharge.

The affidavits and papers are in the hands of Congressman Strode, and I have advised him to consult with you and to give you all the particulars in the case. If you desire further information please notify me at an early date.

Yours, truly,

JEROME SHAMP.

Hon. WM. V. ALLEN,
Washington, D. C.

The following affidavit of his physician shows his present condition:

STATE OF NEBRASKA, *County of Seward, ss:*

PLEASANTDALE, *December 14, 1896.*

Dr. W. K. Loughridge, being duly sworn according to law, says that he has carefully examined Emanuel Shamp, aged 50 years, and finds that he has lost the ring and little fingers off of his right hand; and an ugly scar, with a portion of the tibia gone, on the inner surface of the left leg, above the ankle, the result of an ulcer and sloughing of the bone; and the left shoulder lower than the right, the collar bone being thrown down so as to form a hollow, rendering locomotion of the left shoulder-joint difficult and painful, and making it impossible to perform manual labor with

the left arm; and that he has eczema of the scalp, which has become chronic; and that he suffers severely from catarrh of the mucous membranes of the mouth, nose, and throat; and that in his present condition he is unable to perform manual labor; and that he (Loughridge) has no interests, either direct or indirect, in this case, more than as his family physician; and that this is in his own handwriting.

W. K. LOUGHRIDGE, M. D.

STATE OF NEBRASKA, *Seward County*:

On the 15th day of December, 1896, before me, the undersigned authority, personally appeared W. K. Loughridge, a resident of Pleasantdale, Nebr., who subscribed and swore to the within affidavit.

E. J. WICKES, *Notary Public*.

In view of the long and faithful service of this soldier, his wounds and his present disabled condition, and the fact that there seems no reason to doubt his statement of his capture and subsequent failure to reach his battery, which was shortly afterwards discharged, your committee recommends that the accompanying bill do pass.



EDWARD L. KEYES.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. PETTUS, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 2361.]

The Committee on Military Affairs, having considered Senate bill No. 2361, "to restore Edward L. Keyes to the Army and to transfer him to the retired list," respectfully report:

This bill proposes to "restore" Mr. Keyes to the rank of first lieutenant, whereas he never was higher in rank than second lieutenant.

This bill has been reported upon by this committee twice before this Congress, first in the Forty-eighth Congress and again on May 2, 1888, and both reports are adverse to the bill. The last report copies the first. This report is an extended and detailed statement of the conduct of Mr. Keyes as an officer, with the records of the War Office added.

This former report shows that Mr. Keyes was appointed second lieutenant July 27, 1872, and on November 20, of the same year, he was convicted by courts-martial of "conduct to the prejudice of good order and military discipline," in cursing an officer of the Army, by saying "God damn you." To this charge he plead guilty.

Again, January 22, 1875, Mr. Keyes was convicted of "conduct unbecoming an officer and a gentleman," by making to his commanding officer a written promise to abstain from the use of intoxicating liquors and violating that promise.

And on April 11, 1877, Mr. Keyes was convicted of "drunkenness on duty" and of "violating the sixty-second article of war" by the excessive use of intoxicating liquors, and "was a disgrace to the service," and also of "conduct unbecoming an officer and a gentleman" "by becoming drunk and by making, knowingly, false statements, specified, to his colonel with intent to deceive." And on these last charges the court sentenced him to be dismissed from the service, and this sentence was approved by the President.

Mr. Lincoln, on April 18, 1884, as Secretary of War, in communicating to the Committee on Military Affairs the proceedings of the courts-martial, says: "I believe that the restoration of officers who have been expelled from the Army in disgrace, upon the verdict of their brother officers, and after consideration by the President of the arguments of friends, in nearly every case, has been, and always will be, highly detrimental to the public interests."

This committee recommend that this bill do not pass.

MRS. M. E. ROBERTS.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. LODGE, from the Committee on Civil Service and Retrenchment,
submitted the following

REPORT.

[To accompany Senate Res. No. 244.]

The Committee on Civil Service and Retrenchment, to whom was referred Senate resolution No. 244, relating to the removal of Mrs. M. E. Roberts from her position as clerk in the Pension Office, report that they have examined the case, and find that Mrs. Roberts was removed before the President's order of July 27, 1897, requiring a statement of charges in all cases of removal.

The committee also finds that there are no charges of any kind affecting or reflecting upon the character of Mrs. Roberts, and that she was removed simply on the ground that her services were no longer required, and that no other statement was made by the Secretary of the Interior or the Commissioner of Pensions, or appears on the records or files of the Pension Office. In accordance with the terms of the Senate resolution No. 244, the committee submitted the resolution to the Secretary of the Interior, and present herewith his letter of reply and that of the Commissioner of Pensions.

The committee further find that the Secretary of the Interior and the Commissioner of Pensions acted strictly in accordance with law; that they showed every consideration to the complainant, and that there is nothing to warrant the allegations that either of said officers were guilty in the slightest degree of harsh, ungentlemanly, or unbecoming conduct in their treatment of Mrs. Roberts.

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1898.

SIR: Your letter of the 27th instant has been received, inclosing for report thereon a proposed Senate resolution (No. 244), as follows, to wit:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to send to the Senate full, explicit, and exact copies of all charges made or filed against Mrs. M. E. Roberts, who was on the 13th day of May, 1897, removed from her position as clerk in the Pension Bureau, whether said charges be in the form of state-

ments, affidavits, depositions, letters, or in any other form, together with the exact dates of all said charges, statements, affidavits, depositions, letters, or documents, respectively, and the respective dates of their filing."

In response thereto, I have the honor to transmit herewith a copy of a letter from the Commissioner of Pensions, to whom the matter was referred, giving, as far as practicable, the facts in the case.

Very respectfully,

C. N. BLISS,
Secretary.

Hon. J. C. PRITCHARD,

Chairman Committee on Civil Service and Retrenchment, United States Senate.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, January 29, 1898.

SIR: In reply to the United States Senate resolution No. 244, namely:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to send to the Senate full, explicit, and exact copies of all charges made or filed against Mrs. M. E. Roberts, who was on the 13th day of May, 1897, removed from her position as clerk in the Pension Bureau, whether said charges be in the form of statements, affidavits, depositions, letters, or in any other form, together with the exact dates of all said charges, statements, affidavits, depositions, letters, or documents, respectively, and the respective dates of their filing"—

I have the honor to state that there are no "statements, affidavits, depositions, letters," or other charges on file in this Bureau. Mrs. Roberts's services were no longer required by this Bureau, and were dispensed with May 13 last, on my recommendation. She appealed to you for a hearing. I was invited to be present at this hearing in your office, and I attended on that occasion, accompanied by my assistant chief clerk. Mrs. Roberts and some lady friend were present. When you announced that you were ready to hear the case a Mr. Newell arose to state the case and grounds of appeal. He proceeded to go into the details of a divorce between himself and wife, and other troubles, until I raised the point of order that neither Mr. Newell nor his former wife were employees of this Bureau, nor, so far as I knew, ever had been, and I objected to their trouble being brought into the case. You sustained the point of order. Thereupon you invited Mrs. Roberts and her friend to your private office, and there you asked me what charges, if any, had been filed against Mrs. Roberts. I advised you that there were no charges filed; that I would not file charges against a woman, but that the Bureau did not require her services longer.

You asked Mrs. Roberts in a very kind and considerate tone and manner what she had to say or to present. She had nothing to submit; only objected to being discharged.

The Congressional Record is made to say that Mrs. Roberts was discharged for "misconduct affecting her character." No such statement was made by me, and though the Record contained your letter to Mrs. Roberts approving my recommendation for her discharge, no such language is here used. The Record is also made to say that you treated Mrs. Roberts as "no self-respecting gentleman would treat her or any other woman or any other human being; that a domestic animal ought not to be treated so." "It is not very lordly and it is not very gentlemanly, and it is not a mark of very high breeding for one man occupying an exalted position to be brutal in his treatment to a person occupying a subordinate place under him."

I was present on that occasion throughout, and the statement is untrue. You treated her exceedingly kindly, considerately, and as gentlemanly as a lady could wish or expect.

I will say further that it has been the disposition and intention of the officials of this Bureau to contribute in no way to injure her character.

Very respectfully, your obedient servant,

H. CLAY EVANS, *Commissioner*

The SECRETARY OF THE INTERIOR.

ANDREW C. MENSCH.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. KENNEY, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 3442.]

The Committee on Pensions, to whom was referred the bill (S. 3442) granting an increase of pension to Andrew C. Mensch, have examined the same, and report:

Soldier served as captain Company E, Twentieth Pennsylvania Volunteer Infantry, and as first lieutenant Company E, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and received an honorable discharge. Claimant is now receiving a pension at the rate of \$20 per month, dating from June 1, 1865, for sprain of back, varicose veins of left leg, and ventral hernia. His claim for increase, alleging disease of heart, result of rheumatism contracted in service, was rejected October 4, 1897, on the ground of no record or medical evidence of rheumatism in service and his inability to furnish same.

Claimant alleges that he contracted rheumatism on the march from Harpers Ferry to Belle Plains in the month of November, 1862. Claimant alleges (and it is shown by the record that he was granted a leave of absence at the time indicated) that he was granted a short leave of absence about this time on account of disability from rheumatism.

The claimant alleges treatment by assistant regimental surgeon for rheumatism, but there is no hospital record to prove said allegation.

Claimant's family physician states that claimant had neither rheumatism nor heart disease prior to his enlistment, and the evidence of comrades who served with him goes to show that he contracted rheumatism at the time and in the manner set forth in his allegation.

The claimant is now over 70 years of age. Medical evidence in the case shows existence of both rheumatism and heart disease, and the board of examining surgeons, in their report to the Pension Office, state that he is totally disabled, and that his heart disease is due to rheumatism.

Your committee therefore recommend that the bill be amended by striking out in line 10 the word "forty" and inserting the word "thirty" in lieu thereof, and as thus amended recommend the passage of the bill.

MARTHA S. HARLLEE.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. KENNEY, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 3339.]

The Committee on Pensions, to whom was referred the bill (S. 3339) granting an increase of pension to Martha S. Harllee, have examined the same, and report:

Martha S. Harllee is the widow of the late W. W. Harllee, major battalion South Carolina Militia in the Florida war. His service dated from January 1 to April, 1837. The soldier was in four engagements, and at the time of his death, April 29, 1897, was receiving a pension of \$25 per month.

The claimant is now a pensioner at the rate of \$8 per month.

The evidence in the case shows the claimant, Martha S. Harllee, to be a lady past 78 years of age, in feeble health, unable to earn a support by labor, and is entirely dependent upon her friends and neighbors for support beyond the \$8 per month she now receives.

Your committee therefore recommend that the bill be amended by striking out the word "Mexican," in line 2 of the title of the bill, and inserting the word "Florida" in lieu thereof; also strike out in line 7 the word "Mexican" and insert the word "Florida" in lieu thereof; also strike out in lines 7 and 8 the word "twenty-five" and insert "fifteen" in lieu thereof; and as thus amended recommend the passage of the bill.

SARAH ANDERSON.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. KENNEY, from the Committee on Pensions, submitted the following

ADVERSE REPORT.

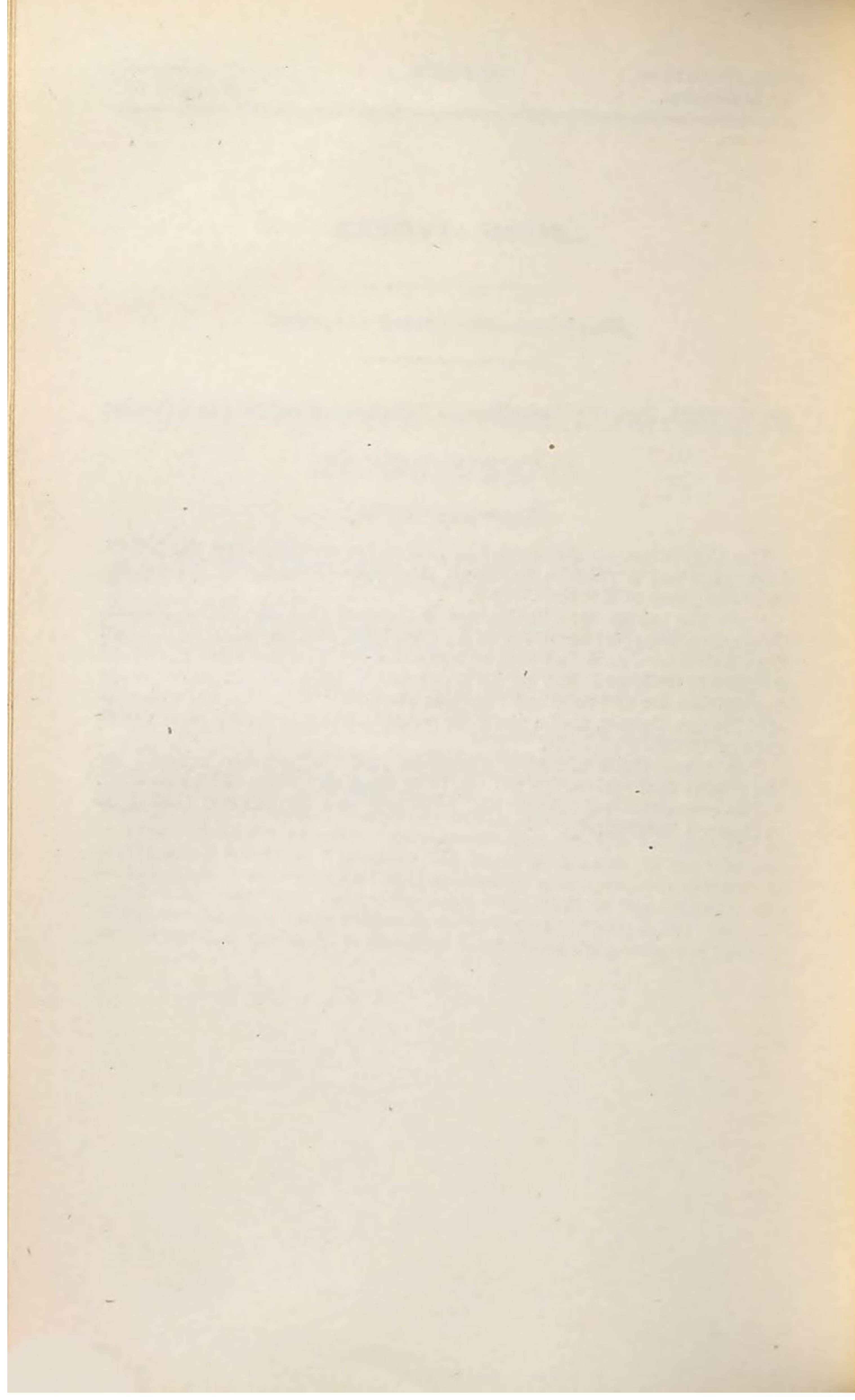
[To accompany S. 2498.]

The Committee on Pensions has had under consideration the bill (S. 2498) granting a pension to Sarah Anderson (colored), of Annapolis, Md., daughter of Horace Cooper.

From the papers filed in the case it appears that the sailor, Horace Cooper, enlisted on the 2d day of August, 1864, and served on the United States steamer *Jacob Bell* as a second-class fireman, and was discharged August 2, 1865, and that he died October 5, 1870, having never made application for nor received pension; that Henrietta Cooper, widow of said Horace Cooper, filed a claim for pension, but was denied same under date of October 16, 1885.

The minor claim of Sarah Anderson (nee Cooper) was rejected for the reason that claimant was over 16 years of age when claim was filed.

The committee report the bill adversely and recommend that it be postponed indefinitely.



FOG-SIGNAL VESSEL AT BLUNTS REEF, CALIFORNIA.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 3304.]

The Committee on Commerce, to whom was referred the bill (S. 3304) for establishing a fog-signal vessel at Blunts Reef, California, recommend certain amendments to the bill, and, when so amended, recommend its passage.

The bill as introduced called for an appropriation of \$90,000 to construct and equip a first-class fog-signal vessel to be stationed at Blunts Reef, California. The bill was submitted to the Light-House Board, which reports that the depth of water and the character of the bottom at the point where a fog-signal vessel would naturally be moored make it virtually impossible to keep such a vessel in place. The board is of the opinion that the most effective means of protecting vessels from Blunts Reef is to be found in the construction of a 12-inch steam fog signal at Cape Mendocino, to be operated by the keepers of the light-house at that point. The report of the Light-House Board is submitted herewith.

TREASURY DEPARTMENT,
Washington, D. C., January 28, 1898.

SIR: I have the honor to acknowledge the receipt of a letter from your committee, dated January 21, 1898, inclosing Senate bill 3304, providing for the establishment of a fog-signal vessel at Blunts Reef, California, and asking suggestions touching the merits of the bill and the propriety of its passage.

In reply I beg leave to state that the matter was referred to the Light-House Board, which reports that the great depth of water (30 to 50 fathoms) in the vicinity of Blunt's Reef and the absolute requirement to moor a light-ship at a distance which would enable the vessel to keep clear of the danger she marked after breaking adrift would make the problem of holding her in such depth over rocky bottom extremely doubtful. As sound and not light appears to be most needed in this locality, it would appear wiser to establish a powerful steam fog signal at Cape Mendocino, where the coal supply could be landed for the year during the prevalence of good weather without any difficulty.

As the reef extends only about 3 miles off shore and this danger is sufficiently protected by the powerful light at Cape Mendocino during clear weather, it would be unnecessary to add another light on the vessel and rather too expensive to attempt the maintenance of a vessel to sound a signal that could be heard as well on shore at Cape Mendocino.

The Department is therefore unable to recommend the passage of the bill in question. But instead it would suggest the establishment of a powerful 12-inch steam fog signal at and to be attended by the present keepers of Cape Mendocino light station. It is estimated that such a fog signal would cost not exceeding \$15,000.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

○

COLLATED CLAIMS.

REPORT

OF THE

SENATE COMMITTEE ON CLAIMS.

[To accompany S. 3545.]

RESULT OF INVESTIGATION UNDER THE GENERAL DEFICIENCY ACT OF THE FIRST SESSION OF THE FIFTY-FIFTH CONGRESS.

FEBRUARY 3, 1898.—Reported by Mr. Teller, from the Committee on Claims,
and ordered to be printed.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1898.

SENATE COMMITTEE ON CLAIMS.

H. M. TELLER, *Chairman.*

F. E. WARREN.	S. PASCO.
W. M. STEWART.	T. S. MARTIN.
W. V. ALLEN.	A. S. CLAY.
W. E. MASON.	J. L. RAWLINS.
C. W. FAIRBANKS.	J. L. MCLAURIN.

THOS. F. DAWSON, *Clerk.*

C. G. NORTHUP, *Assistant Clerk*

REPORT OF SENATE COMMITTEE ON CLAIMS.

UNDER GENERAL DEFICIENCY ACT OF THE FIRST SESSION FIFTY-FIFTH CONGRESS.

During the first session of the present Congress the Senate Committee on Claims was instructed to prepare a general bill which should provide for the settlement of the meritorious claims before Congress. This direction was contained in a provision incorporated in the general deficiency appropriation act, and instructed the committee "to fully examine all the evidence in all cases of just claims that are now before them or that have been favorably reported and not finally disposed of, with the view of reporting the same to the Senate at the beginning of the next session of Congress."

In accordance with these instructions the committee has made the most thorough examination possible in the limited time allowed and with the meager appropriation made for the work, and herewith reports two bills as the result of its labors. One of these is comparatively brief and provides for the reference of a number of claims before the committee to the Court of Claims. The other has been popularly designated an omnibus bill and is more extended, covering claims of wide range in subject as well as in amount.

When the committee met last summer, at the close of the first session of this Congress, to devise a plan of action it was decided to confine its investigations to claims which have received the approval of one House or the other of Congress or have been passed upon by the Court of Claims and which were then before the Committee by reference. This policy was adopted because it was believed that the limitation would be sufficiently broad to admit quite as many claims as Congress would be disposed to provide payment for in one act of legislation, and not because of any intention to declare against the justice of claims which have not received the sanction of either the Senate, the House, or the court.

The greater number of claims which have received the attention of the committee are those known as "Bowman Act" claims and French spoliation claims, a large majority of which have passed the Senate repeatedly. With them Senators and Members are presumably familiar. All the claims under both headings have been passed upon by the Court of Claims, and the allowance herein provided corresponds in each case to the findings of the court. It may be well to state that the Bowman Act claims allowed are in most instances for stores and supplies appropriated by the Army of the United States during the late war of the rebellion, but there are some cases in which allowance has been made under this heading for occupation of real estate, destruction of property, etc., and which were allowed by the court under other statutes. In each case the court passed upon the loyalty

of the claimants as well as upon the amount involved. The total allowance under the Bowman Act and kindred laws amounts to \$1,841,563.17, and on account of the spoliation claims to \$1,043,117.04.

Other subdivisions of the bill deal with claims arising under contracts with the Navy Department, claims of individual States growing out of their relation to the Union, under Treasury settlements, claims filed by colleges and churches for damages inflicted by the United States troops during the civil war, etc.

Barring the claims of certain States, the most extensive allowances are those made for additional pay under contracts for shipbuilding made by the Navy Department. Many of these date back to the civil war, but others are of more recent origin. In each of these claims explanations will be found under the proper headings in this report, and they may be easily located by the use of the index. The total appropriation under this heading amounts to \$792,500.62.

The aggregate amount of the claims of States, where a direct appropriation is asked, is \$4,693,128.57. All of this sum except \$2,019.57 is for the refunding of money advanced by the States of California, Oregon, and Nevada for the suppression of the rebellion, and the claim is of the same character as claims made by other States which have been paid. Provision is made for the investigation by competent tribunals of the claims of Florida and Tennessee against the United States, and the counterclaims of the General Government against those States. Both these contentions are of long standing.

Provision is also made for the adjustment of claims of fifteen other States, amounting in the aggregate to \$195,260.43, which are the results of expenditures made by the various States in equipping troops during the war of the rebellion, the largest of these claims amounting to \$36,665.02 and being presented on behalf of the State of Pennsylvania. In these cases an official investigation is ordered and no appropriation is made. Accordingly the sum allowed is not counted in the total.

Settlement is made, under the heading "Miscellaneous," of quite a number of claims which admit of no specific grouping. These claims are varied in character and cover an extended period of the nation's history. A large number of them grow out of the civil war, and in all such cases the loyalty of the persons in whom the claim originated has been established. A vast majority of the claims allowed under this heading have passed the Senate many times, and some of them have passed the House, but they have all failed, through untoward circumstances, to become laws. These claims are generally for comparatively small amounts. The total for the entire number is \$897,204.43.

Under this grouping are included some allowances, each of which covers a large number of individual claims. For instance, under the heading of "Private dies," making provision for the refunding of money illegally collected, there are sixty individual claims, while the aggregate sum recommended is \$153,526.37. A similar condition exists with reference to the Piute Indian claims and the claims of a large number of citizens of Utah. A number of Treasury settlements with insurance companies are also grouped under one heading and scheduled as among the miscellaneous items.

Provision has been made in the bill for the adjustment by the various Departments and for settlement by the Treasury of claims in which it was impossible to make specific recommendations, but in most of these cases a maximum sum has been named beyond which the allowance when made can not go. The aggregate of the figures in cases thus disposed of is \$130,359.74; but there are a few items in which no figure is named.

The totals under the various headings of the bill are as follows:

Court of Claims cases (mostly under the Bowman Act)	\$1, 841, 563. 17
French spoliation claims.....	1, 043, 117. 04
Under naval contracts	792, 500. 62
On account of churches and schools	365, 974. 96
Claims of States	4, 693, 128. 57
Miscellaneous claims.....	897, 204. 43
For adjustment and settlement (in part)	130, 359. 74
Total.....	9, 765, 823. 53

Some bills for the reference of claims to the Court of Claims, which seemed to deserve especial consideration by reason of their long standing and the fact that they had been frequently passed upon by the Senate, were grouped, and are herewith reported in one bill, but separate from the principal or omnibus bill. It has been thought best, however, to have one report cover both bills, and accordingly the different items in the Claims bill will be found explained in their proper place in this report.

The provisions of the bill relating to stores and supplies and those for the settlement of the French spoliation claims will be found attached to this report, and marked, respectively, Exhibits A and B. In these cases it is believed that the fact that the appropriations made are the results of findings of the Court of Claims will render explanation of individual claims unnecessary, and no such explanation has been undertaken. A brief history of the spoliation claims as a whole is, however, given. A detailed explanation of the methods of the Court of Claims in dealing with claims under the Bowman Act, it is believed, will throw needed light upon the subject, and such explanation is hereto attached. The Bowman Act, the Tucker Act, and the French spoliation act are also printed, the two first following in this report, in the order named, the list of Bowman Act claims, and the third the list of spoliation claims. The findings of the court in the Bowman cases have been arranged and numbered for the use of the committee, the numbers corresponding with those given the claims in this report.

In all other cases the text as in the bill is given in the report, and this is followed by a summary of the history of the claim in Congress, together with a presentation of the salient facts relating to the origin of the claim and the reasons for its inclusion in this bill.

An index is appended to the bill, giving a list of claimants alphabetically arranged, and to the report, giving the page, both of the bill and report, on which the names of claimants may be found.

ALLOWANCES UNDER THE BOWMAN ACT—METHOD OF THE COURT OF CLAIMS.

It is well known that the purpose of the act of March 3, 1883 (22 Stat. L., 485), known as the Bowman Act, was in part to relieve Congress from the investigation of claims for stores and supplies for the use of the military and naval forces of the United States during the late war. Under section 1 of that act any claim pending before either House of Congress or before any committee thereof may be referred to the Court of Claims for the "investigation and determination of facts" and report thereon to Congress.

Section 4 of the act makes the loyalty of the claimant "throughout the war" a jurisdictional fact, so that before a claim can be investigated on its merits the loyalty of such claimant in cases for stores and supplies must be established by satisfactory evidence. If loyalty be not established the claim is dismissed and that fact is reported to Congress. Numerous cases of this kind have been reported to Congress, as shown by the various reports of the clerk of the court.

By section 3 of the act the court is inhibited from taking jurisdiction of any claim "growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion." So that none of the claims so investigated and reported to Congress include property that was destroyed or damaged by the Army or Navy as an incident of war, and such has been the holding of the court. (Beasley's Case, 21 C. Cls. R., 225; Conard's Case, 25 C. Cls. R., 433; Heflebower Case, 21 C. Cls. R., 225, 239.) Such claims include only such property as was actually taken and used by the Army or Navy, and the authority for such taking, under the decisions of the court, has to be shown to its satisfaction before any allowance is made, i. e., that the fact of taking was not a depredation, but an actual taking for the use of the Army or Navy.

No allowance is made for any claim for property taken by soldiers without authority and for their own personal benefit, and not coming within the ordinary supplies of the Army or Navy.

By section 3 also, the court is inhibited from taking jurisdiction of any such claim, if at the time of the passage of the act the same was "barred by virtue of the provisions of any law of the United States;" and in construing that provision of the statute the court in the Ford Case (19 C. Cls. R., 519) held, in 1884, that claims referred for stores and supplies which had not been previously presented to some other Department of the Government, such as the Quartermaster-General, Commissary-General, or Southern Claims Commission, were barred.

Furthermore, claims considered and passed upon by some other Department of the Government, the court declines to entertain, unless new evidence be offered in support thereof, for the reason, as held by it in the Calhoon's Case (24 C. Cls. R., 414), that it was not constituted a tribunal to sit in review of the decisions of such other Departments. In the trial and consideration of these cases, both on the question of loyalty and merits, the court holds that it is governed by the common

law rules of evidence. (Carroll's Case, 20 C. Cls. R., 426; Allen's Case, 28 C. Cls. R., 141.) And so, on motions for new trials, the court holds that it is governed by the rules of the common law. (Nance's Case, 23 C. Cls. R., 463.)

It will thus be seen that in the trial and consideration of these claims the court excludes *ex-parte* affidavits and requires the loyalty of the claimants, as well as the amount of their claims, to be established, if at all, according to the common-law rules of evidence.

While by reason of the lapse of time the Government labors under some disadvantage in procuring evidence, especially on the question of loyalty, still there is little room for fraud in these claims, as they were early presented to the Quartermaster-General, Commissary-General, or Southern Claims Commission, and the items of such claims and the values thereof were then stated and can not now be enlarged.

Of course it is quite natural for witnesses to be cautious and guarded in what they say concerning the disloyal acts of their neighbors, especially since the ill-feeling engendered during the war has in the main disappeared; but we have a right to presume that this is taken into consideration by the court and the truth arrived at as nearly as may be. On the other hand, the claimants labor under some difficulty in establishing their loyalty throughout the war, as by the holding of the court in the Watson Case (25 C. Cls. R., 116), they must show to the satisfaction of the court that they were, during the war, free from every act of disloyalty, except such as may have been under duress.

The court has rendered numerous decisions establishing the principles which govern in the investigation of these claims, some of which we have referred to, and we are assured that the Government has been well and faithfully represented in the defense of these claims and that justice has been meted out to both parties as nearly as can be at this late day. It should, however, be borne in mind that the long delay in the payment of these claims has not been caused by the claimants, for they have been persistent in their demands ever since early after the war.

In fixing the value of property taken and used, we are advised that the court, while considering the testimony offered, is guided largely by the prices paid at the same time for like articles by the Quartermaster and Commissary Departments. This prevents the exaggeration of claims. An investigation of any of these claims will show that the amount allowed is largely below the amount claimed.

The Attorney-General, in response to a resolution of the Senate, reported (Report of Attorney-General for 1894, numeral page VIII), as follows:

WAR CLAIMS.

Since my last report there has been completed a detailed examination of all the cases pending under the Bowman Act, something over 7,000 in number, in order to distinguish from others those which are to be classed as war claims, defined as those "growing directly or indirectly out of the late war for the suppression of the rebellion." I am now able to report, as a result of such detailed examination, that up to the present time 9,162 claims of this description have been referred by Congress to the Court of Claims, the aggregate whereof is about \$36,000,000. Of these about 2,177 cases have been disposed of, aggregating on the face of the claims the sum of \$16,184,000—the amount found due by the court thereon aggregating \$2,344,000.

There remain pending in the court 6,985 claims of this character, which aggregate upon their face about \$21,500,000. In addition to the foregoing, suits are pending within either the general jurisdiction or jurisdiction conferred by special acts of Congress, based upon claims either directly or indirectly growing out of the said war, the aggregate whereof, as stated by the petitions, is about the sum of \$2,600,000, thus making the total amount of war claims pending in both jurisdictions about \$24,100,000, instead of the \$400,000,000 stated to be pending in reports of my predecessor, presented in 1890 and 1892, and in the message of President Harrison to the second session of the Fifty-second Congress.

It will thus be seen that of the 2,177 cases disposed of, representing \$16,184,000, but \$2,344,000, or a fraction over 14 per cent, was allowed by the court.

At the same ratio there would be allowed on the remaining \$21,500,000 about \$3,000,000; but we are advised that the best cases have probably been disposed of, and that the proportion of those not loyal will be much larger hereafter; and if so, this will of course reduce the amount to be hereafter paid.

When we take into consideration the lapse of time since these claims originated and the small amounts allowed, coupled with the fact that no interest is included, it is hardly probable, if anything was due for property taken during the war, that they are exaggerated.

HISTORY OF FRENCH SPOLIATION CLAIMS.

In the year 1778, at the most critical period of the Revolution, France entered into certain treaties with the United States, by which she undertook to furnish money and troops to aid us in carrying on our struggle for independence. In return the United States agreed to guarantee forever to France her possessions in the West Indies, and to make common cause with her, and to aid her with men, money, and supplies in the event of future wars with Great Britain. That France made good her promises is a matter of history.

In 1793 war broke out between the French Republic and Great Britain, and the United States, not being in a position to actively aid France, President Washington issued his famous proclamation of neutrality, and Chief Justice Jay negotiated a commercial treaty with Great Britain. At this France took offense, and put into commission a horde of privateers to prey upon American commerce. Vessels and cargoes were seized and confiscated upon flimsy pretexts, and losses were inflicted upon our mercantile marine which awakened indignant protests.

The authorities of the United States Government, recognizing the vital importance of commerce to the welfare of the nation, encouraged our merchants throughout the country to continue their foreign trade, assuring them that the Government would assert their claims against France and procure for them full indemnity for all losses which they might sustain. In pursuance of this promise, Mr. Jefferson and Mr. Pickering persistently pressed upon France the claims of our citizens for redress on account of these outrages. They defended the actions of the United States and denounced the depredations of the French as opposed to existing treaties and to the law of nations. The French authorities, in a spirit of compromise, expressed their willingness to enter into negotiations for the adjustment of all existing differences between the two nations. An embassy of distinguished citizens was accordingly sent to Paris, charged with two duties, to wit:

First. To obtain for our citizens who had sustained losses the indemnities to which they were entitled.

Second. To obtain from France a release of the heavy obligations of guaranty and succor by which the United States were still, as a nation, bound under the treaty of 1778.

The French plenipotentiaries could not and did not dispute or deny the justice of these claims for indemnities. They refused, however, to surrender the benefits secured to France by the terms of existing treaties. At one time it was feared that negotiations would prove fruitless. But at length an accommodation was effected, and the convention of 1800 was concluded, which provided, on the one hand, for the relinquishment by the United States of all claims against France for indemnity to citizens of the United States, and on the other the release by France to the United States of all obligations under existing treaties. The advantages reaped by the United States from this release were incalculable. She was freed from an "entangling alliance" with European powers and was left unfettered to pursue the

path of independence and prosperity. For this important concession, the consideration, and the sole consideration, which passed to France was the relinquishment by the United States of the just demands of their citizens against France. These demands were appropriated and used by the Government of the United States to secure a great public and national benefit. Private property was taken for public use. Therefore, the United States became liable to pay for what had been taken, and by the use of which they had reaped results of such value.

Claimants have not slept upon their rights. As early as 1802 a committee reported these claims to the House of Representatives, recommending an appropriation for their payment.

This report was not excepted to, and Mr. Giles, who made it, said that it was understood between the French Government and our envoys at the time that the result of the treaty was that the surrender of the one claim extinguished the other as between the two nations.

In 1807 Mr. Marion, of South Carolina, again reported in their favor.

In 1826 Henry Clay, then Secretary of State, submitted a report to the Senate recommending in vigorous language the recognition of these claims.

In 1834 Daniel Webster, in a debate in the Senate on the subject of these claims, made an earnest appeal on behalf of the claimants, and in the course of his argument used the following language:

It is difficult to see how the Government of the United States can release these claims for its own benefit with any more propriety than it could have applied the money to its own use if the French Government had been ready to make compensation in money for the property thus illegally seized and confiscated, or how the Government could appropriate to itself the just claims which the owners of the vessels seized held against the wrongdoers without making compensation, any more than it could appropriate to itself, without making compensation, vessels which had not been seized.

* * * * *

The Government of the United States bought off the claims of France against itself by discharging claims of our own citizens against France.

Chief Justice Marshall, in an interview with the late William C. Preston, of South Carolina, expressed himself as convinced of the justice of these claims, and that they were legal obligations of the Government. See the following letter from Mr. Preston to Mr. Causten, of Washington:

COLUMBIA, *January 29, 1844.*

SIR: I have this moment received your letter of the 24th instant, inquiring of me concerning Judge Marshall's opinion on the claims for French spoliations anterior to 1800.

When that subject was under discussion in the Senate some years since, as a member of the committee to which it had been given in charge, I bestowed no little pains in the investigation of it, and, as I believe it will happen to everyone that does so, I became thoroughly satisfied of the justness of the claims.

While they were under discussion in the Senate they happened to be the subject of conversation between Mr. Leigh, Mr. Calhoun, and myself one evening in our mess parlor when Judge Marshall stepped in, and having overheard or being informed of the subject of conversation, asked to share in it, saying that having been connected with the events of that period, and conversant with the circumstances under which the claims arose, he was, from his own knowledge, satisfied that there was the strongest obligation on the Government to compensate the sufferers by the French spoliations. He gave a succinct statement of the leading facts, and the principles of law applicable to them, in so precise and lucid a way that it seemed to me a termination of the argument by a judicial decision. It was apparent from his manner that he felt an interest in the inculcation of his opinion, arising from deep conviction of its truth.

* * * * *

I am, dear sir, your obedient servant,

WILLIAM C. PRESTON.

JAMES H. CAUSTEN, Esq., *Washington.*

Over fifty separate reports in all have been made by various committees at intervals, every one of which, with the exception of three, have been favorable to the claimants. The legislatures of everyone of the thirteen original States have, by repeated memorials, recommended to Congress the payment of the claims.

In an admirable report by Charles Sumner on this subject, he traces the action of France in appropriating our merchants' property to the failure on our part to live up to our treaty with France. He then shows how Pinkney and others were appointed to adjust the differences with France, and how they allowed the second article of the proposed settlement, providing for the payment of these claims by France, to be stricken out, this surrender being the condition upon which France consented to abrogate the terms of the existing treaty and to relieve the United States from the liability incurred by its failure to observe it.

At length, after long delay and bitter disappointment, the matter was again referred to a committee by the Forty-eighth Congress, which reported that, "in the opinion of the committee, the gravity of the case and the ends of justice alike demand a settlement of this vexed question where it can be dispassionately heard and impartially considered." Whereupon, by a vote of 181 to 71, in a Congress consisting of 167 Democrats and 153 Republicans, on January 20, 1885, an act was passed referring these claims, for examination and liquidation, to the United States Court of Claims, enjoining upon that tribunal a strict examination of the subject upon its merits, and requiring the Attorney-General of the United States to appear on behalf of the Government, and to take all proper steps for its defense. In the month of March, 1886, the matter was elaborately argued before the court by counsel for claimants and the Government. Nearly three weeks were consumed in the presentation of the case in every possible view which the most laborious investigation could suggest. The court, after careful deliberation, on May 17, 1886, filed a unanimous opinion in favor of the claimants. The language of the court, in part, is as follows:

It seems to us that this bargain, by which the present peace and quiet of the United States, as well as their future prosperity and greatness, were largely secured, and which was brought about by the sacrifice of the interest of individual citizens, falls within the intent and meaning of the Constitution, which prohibits the taking of private property for public use without just compensation. (21 C. Cls. R., 393.)

In the same year the Solicitor-General of the United States applied for a reargument of the question in all its bearings. Leave was granted. New counsel were retained by the Government, by whom the whole subject was again carefully investigated. Two weeks were again consumed in argument, and the court, after careful consideration, a second time filed a unanimous opinion in favor of the claimants. A number of individual cases then came up for trial, to which the Government presented substantially the same defenses, the questions were once more elaborately argued, and again the court, on November 7, 1887, rendered another unanimous opinion in favor of the claimants.

The Court of Claims having thus decided the general question on its merits, then entered critically upon the examination of each particular case submitted to it. In every case it has carefully inspected and weighed the documents produced in support of each claim. Many of these documents came from the custody of descendants of the original sufferers, who have preserved them through all the intervening years. But this is not the only proof before the court. By a direct requirement of the above-mentioned act, special agents of the Government were sent abroad in search of evidence relating to these claims; this

commission consisted of the Hon. James O. Broadhead, of Missouri, and Somerville P. Tuck, esq., of New York. Through the efforts of these gentlemen copies of many original documents have been obtained from the archives of France and her islands, and are being used in the trial of the individual cases.

No claim has been allowed by the court unless established by ample and conclusive evidence. Numerous cases have been rejected, which, although meritorious, were not, in the view of the court, sustained by sufficient documentary proofs, and awards appear to have been made in none but the most clearly proven cases.

By the act of March 3, 1891, an appropriation amounting to \$1,304,095.37 was made by Congress to pay such of the cases as had up to that time been certified to Congress by the court, and this sum has been distributed among such of the claimants as could establish their kinship to the original sufferers, the appropriation act requiring that this should be done in order that the money should go to no other persons than the lineal decendants or legatees of the original claimants.

Those whose payment is now asked are identical with those which have been paid, but these were adjudicated and reported to Congress subsequent to the above date.

Had they been adjudicated prior to March 3, 1891, they also would have been paid. These, like those which have been paid, have received the indorsement of fifty or more Congressional committees, they have been declared by the Government's own court to be just and legal obligations of the Government, and they have been indorsed by many of the most prominent statesman of the century.

CONTRACTS UNDER THE NAVY.

WILLIAM P. BUCKMASTER.

To William P. Buckmaster, surviving partner of James Murphy and Company, late of New York City, the sum of twenty-two thousand three hundred and eighty-six dollars and sixty-one cents, being balance due for labor and material furnished by James Murphy and Company in the construction of the machinery for the double-ender vessel *Otsego* in eighteen hundred and sixty-two and eighteen hundred and sixty-three, as per report of a board of officers organized by the Secretary of the Navy in pursuance of a resolution of the United States Senate, adopted March ninth, eighteen hundred and sixty-five..... \$22,386.71

First introduced in the Fifty-first Congress.

Favorable reports.—In the Senate: No. 599, Fifty-third Congress; No. 72, Fifty-fourth Congress, and No. 61, Fifty-fifth Congress. In the House: No. 1489, Fifty-second Congress; Nos. 1703 and 1821, Fifty-third Congress, and Nos. 35 and 813, Fifty-fourth Congress.

Passed Senate in the Fifty-third, Fifty-fourth, and Fifty-fifth Congresses.

Mr. Buckmaster is the only surviving partner of the late firm of James Murphy & Co., Fulton Iron Works, New York City, which in 1862–63 constructed the machinery of the United States steamer *Otsego*, at a cost of \$104,386.61. The contract for this work was made with the firm on behalf of the Government by B. F. Isherwood, then Chief of the Bureau of Steam Engineering of the Navy Department. The vessel was what was known as a “double-ender,” and the work was undertaken by Murphy & Co. only upon the urgent solicitation of Mr. Isherwood, whose importunity in the matter was due to the needs of the Government.

It appears that the firm entered upon the work before the plans were received, on a contract for \$82,000, on the assurance of Mr. Isherwood that the cost would not exceed this sum and upon his written assurance that if it should exceed it the Government would make good the excess. Murphy & Co. claim that the urgency of the Government officials amounted almost to duress, and that for the firm to have refused under the circumstances would have been to bring upon themselves the charge of disloyalty. The principal cause of the excessive cost was an advance in material and labor while the iron company was awaiting the Government's drawings. In 1865 a naval board appointed by the Secretary of the Navy reported the excess of cost over the \$82,000 received to be \$22,386.61, and this is the amount here allowed.

RICHMOND LOCOMOTIVE WORKS.

To the Richmond Locomotive and Machine Works the sum of sixty-nine thousand five hundred and fifty dollars and thirty-nine cents, in full of its claim for damages and losses incurred in the construction of the armored battleship *Texas* \$69,550.39

First introduced in the Fifty-third Congress. Favorably reported to the Senate in the Fifty-fifth Congress; to the House in the Fifty-third and Fifty-fourth Congresses.

Reports.—Senate: No. 154, Fifty-fifth Congress. House: No. 1982,

Fifty-third Congress, and No. 2286, Fifty-fourth Congress; also see House Document No. 92 of the Fifty-fourth Congress.

Passed the Senate as a part of the general deficiency appropriation bill of the second session of the Fifty-fourth Congress.

The Richmond Locomotive and Machine Works, of Richmond, Va., by contract with the Government of the United States, of date May 30, 1889, became contractors for the construction and delivery of the machinery for the United States armored battle ship *Texas*, which was to be built by the Government at the Norfolk Navy-Yard, Va. The Government, upon its part, was to construct the hull of the vessel. Under the terms of the contract, the contractors were placed under heavy bonds, in which forfeiture and penalties were amply provided, requiring them to complete the machinery and to commence its erection on board the *Texas* on November 30, 1891. On account of a disastrous fire at the works of the contractors pending the construction of this machinery, and by which a large amount of it was destroyed, the time within which the machinery was to be constructed and erected was extended until July 30, 1893. The contractors claim that they performed their contract in all respects, but that they were subjected to considerable and unreasonable delay and to additional expenses and damage in the completion of the machinery under their contract, by reason of the failure on the part of the Government to complete the hull of the *Texas* in time to allow the machinery to be finished and tested as required.

The Navy Department admits this responsibility, and has audited and adjusted the claim, fixing the damage at \$80,049.35. This estimate included charges for interest, insurance, and security. These have been stricken out, leaving the sum allowed \$69,550.39.

LEGAL REPRESENTATIVES OF JOHN ROACH, ACCOUNT OF THE DOLPHIN.

To the legal representatives of John Roach, deceased, the sum of twenty-eight thousand one hundred and sixty dollars and twenty-five cents, for labor and material furnished by the said John Roach in completing the dispatch boat *Dolphin*, under the advice and assistance of the naval advisory board mentioned in the act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-four \$28,160.25

Favorably reported to the Senate in the Fifty-second, Fifty-fourth, and Fifty-fifth Congresses; to the House in the Fifty-first, Fifty-second, and Fifty-fourth Congresses.

Reports.—Senate: No. 745, Fifty-second Congress; No. 210, Fifty-fourth Congress, and No. 85, Fifty-fifth Congress. House: No. 2166, Fifty-first Congress; No. 710, Fifty-second Congress, and No. 959, Fifty-fourth Congress.

Passed the Senate in the Fifty-second and Fifty-fourth Congresses.

On November 10, 1885, the dispatch boat *Dolphin*, which had been built by Mr. Roach under contract, was received and accepted by the proper officers of the United States and went into the use of the Government as of that date. There was then due the contractor, John Roach, the sum of \$73,160.75. Of this amount \$25,000 was a portion of the appropriation of March 3, 1885, for the care of the Government vessel *Puritan*. (See 23 Stat. L., 459.) Of this total amount the sum of \$45,000 was paid the assignees of Roach September 10, 1886, leaving a balance of \$28,160.75. This amount was deducted by the Government on the charge, believed to be true at the time by the Secretary of the Navy, that the *Dolphin* had not been properly constructed and that she was structurally weak, and although the Government had accepted the

vessel, it was insisted that unless this deduction was made by the assignees, no amount whatever would be paid, and claimant would be compelled to go into the Court of Claims for the purpose of establishing his right to the \$73,160.75 claimed. Under this state of the case it was agreed to accept the \$45,000, and a receipt in full was given. Subsequent history clearly demonstrated that the claim that the *Dolphin* was not properly constructed or was structurally weak was not well founded. It should be stated here that the idea that the vessel was "structurally weak" originated in what was known as the Belknap board, appointed by the Secretary of the Navy to review the conclusions of the advisory board. (See p. 354, Report of Secretary of the Navy for 1885.)

LEGAL REPRESENTATIVES OF JOHN ROACH, ON ACCOUNT OF THE CHICAGO, BOSTON, AND ATLANTA.

To the legal representatives of John Roach, deceased, the sum of three hundred and thirty thousand one hundred and fifty-one dollars and forty-two cents for labor and material and dockage furnished by said Roach and detention and occupation of his yards and shops by the United States for the gunboats *Chicago*, *Boston*, and *Atlanta*, which sum is in full and final settlement of all claims and damages between the United States and said legal representatives of John Roach, deceased, growing out of the construction of said vessels... \$330,151.42

Favorably reported to the Senate in the Fifty-fourth and Fifty-fifth Congresses; to the House in the Fifty-fourth Congress.

Reports.—Senate: No. 754, Fifty-fourth Congress, and No. 86, Fifty-fifth Congress. House: No. 2603, Fifty-fourth Congress.

Passed Senate in the Fifty-fourth Congress.

The claim is for \$330,150.42 on the part of the heirs of the late John Roach for labor and material, dockage, and detention and occupation of the yards and shops owned by Mr. Roach for the gunboats *Chicago*, *Boston*, and *Atlanta*.

On the 23d day of July, 1883, Mr. Roach entered into three several contracts with the United States, represented by Hon. William E. Chandler, Secretary of the Navy, for the construction of three steam cruisers, the *Atlanta* and *Boston*, 3,000 tons displacement each, and the *Chicago*, 4,500 tons, to be completed and ready for inspection and delivery on or before the expiration of eighteen months from the date of the contracts. Copies of these contracts are to be found in Senate Executive Document No. 153, Forty-ninth Congress, first session, at pages 144–157. He promptly commenced the construction of each of the three cruisers at the shipyard of the Delaware River Iron Shipbuilding and Engine Works, whereof he was the substantial owner, at Chester, Pa., and until the 18th day of July, 1885, prosecuted the construction of the cruisers according to contract.

The *Atlanta* was removed to the Morgan Iron Works in New York, practically owned by Roach, on the 17th of November, 1884, and was nearly completed when, on the 18th of July, 1885, Roach was forced to make an assignment. The other two vessels had not progressed so far toward completion. It is claimed that all of the cruisers would have been completed by Roach within the time limited by the contracts, to wit, January 23, 1885, but for various changes in their plans and construction made by the Government authorities.

On the 18th of July, 1885, Roach made an assignment to George W. Quintard and George E. Weed, which, it was claimed, was due to an adverse opinion on Roach's claim on the *Dolphin*, rendered by the Attorney-General of the United States. The Secretary of the Navy then, on the 6th of August, 1885, declared the contracts on the cruisers

forfeited, and under the provisions of the contract took charge of the works, both at Chester and in New York, in the name of the Government for the completion of the work on the vessels. The works at both places, including docks, shipyards, machinery, etc., were held until June 21, 1887, and both were barred from taking other work.

It was especially provided in the contract that in case the United States should feel called upon to take charge of the work there should be no unnecessary delay, but it is claimed that this provision was not duly observed. It is upon this unnecessary delay that this claim is based. In a report made to the Fifty-fourth Congress by Senator Burrows from this committee the following summary is made of the claims and of the causes of delay:

The use of the plant and yard at Chester, with its tools, machinery, and equipment, together with the furnace and rolling mill, of which the Government so took and held possession, was worth the sum of \$16,505.20 per month, and for the time of said unnecessary delay, to wit, from May 20, 1886, to June 21, 1887, the reasonable value of the use and occupation by the Government was at least the sum of \$214,567.60.

The use of the plant and yard at New York, with its tools, machinery, and equipment, of which the Government so took and held possession for the *Atlanta*, was worth \$6,602.08 per month, and for the whole time of said unnecessary delay, to wit, January 28, 1886, to June 28, 1886, the reasonable value of the use and occupation by the Government was at least the sum of \$33,010.40. For the completion of the said cruisers two corps of men were necessarily organized and employed as an office staff, one at the said shipyard at Chester and one other at the said contractor's yard and machine shop in the city of New York, known as the Morgan Iron Works. The compensation paid as wages to this corps of men at the said Morgan Iron Works amounted to the sum of \$3,721.64 for each month, and for the whole time of the unnecessary delay, to wit, January 28, 1886, to June 28, 1886, \$18,608.20. The compensation paid as wages to the corps of men at Chester amounted to the sum of \$4,061.64 for each month, and for the whole time of the unnecessary delay, to wit, May 20, 1886, to June 21, 1887, \$52,801.32.

These facts are still further condensed in the following table, also found in Senator Burrows's report:

For withholding and detention of the shipyard plant and its appurtenances at New York during the unnecessary delay in completing said cruiser <i>Atlanta</i> , the sum of.....	\$33,010.40
For the amount of wages of the corps of men employed at New York on said last-named cruiser.....	18,608.20
For the amount of insurance premiums paid during the same delay on said cruiser <i>Atlanta</i> , the sum of.....	1,417.50
Total.....	53,036.10
For the withholding and detention aforesaid of the said shipyard plant and appurtenances at Chester during the unnecessary delay in completing the cruisers <i>Boston</i> and <i>Chicago</i> , the sum of.....	214,567.60
For the amount of wages of the corps of men employed at said Chester on said cruisers last named during said unnecessary delay, the sum of.....	52,801.32
For the amount of insurance premiums paid during the same delay on said cruisers <i>Boston</i> and <i>Chicago</i> , the sum of.....	9,745.69
Said last-named three sums amounting to.....	277,114.61

These two totals added give the amount of the appropriation here provided.

UNION IRON WORKS.

To the Union Iron Works, of San Francisco, California, the sum of fourteen thousand seven hundred and forty-five dollars and fifty-eight cents, in full settlement of the amount claimed by said company, that being the amount audited and found due and recommended to be paid said company by the Secretary of the Navy for extra work and expenses in constructing the Monterey.....

\$14,745.58

Passed the Senate as an amendment to the general deficiency appropriation bill in the Fifty-fourth Congress.

This is a claim arising out of delays occasioned by the Government in the construction of the coast-defense vessel *Monterey*. The investigation of such losses as were sustained in this case by the Secretary of the Navy was authorized by a provision of the bill making appropriations for the Navy for the year ending June 30, 1897. The claim was originally for \$30,839.89. The board appointed by the Secretary cut it to \$14,748.58, and this is the amount here allowed.

(See Senate Document No. 89 of the second session of the Fifty-fourth Congress for a full statement of the claim.)

SELFIDGE BOARD FINDINGS.

To the legal representatives of John Roach, deceased, the sum of sixty-one thousand seven hundred and fifty-two dollars and fifty-one cents, in excess of contract price for work done and material furnished in the construction of the United States double-ender gunboat *Peoria*;¹ to the Portland Company, of Portland, Maine, the sum of eighty thousand eight hundred and sixty-seven dollars and forty-six cents, in excess of contract price for work done and material furnished in the construction of the machinery, engines, and boilers of the United States double-ender gunboats *Agawam* and *Pontoosuc*;² to the administrator of the estate of George W. Lawrence, deceased, the sum of seventeen thousand two hundred and twenty-one dollars and fifty-four cents in excess of contract price, for work done and material furnished in the construction of the hulls of the wooden double-ender gunboats *Agawam* and *Pontoosuc*; to George W. Quintard, of New York, the sum of eighty-five thousand two hundred and three dollars and ninety-one cents, in excess of contract price for work done and material furnished in the construction of the United States iron-clad vessel *Onondaga*;³ to Thomas F. Rowland, of the city of New York, the sum of eighty-two thousand four hundred and sixty dollars and ninety-five cents, in excess of contract price for work done and material furnished in the construction of the United States double-ender gunboat *Muscoota*,⁴ being the amount found to be due to each of the persons or companies named herein by the naval board convened by the Secretary of the Navy May twenty-fifth, eighteen hundred and sixty-five, by virtue of a resolution adopted by the Senate of the United States March ninth, eighteen hundred and sixty-five, and called the Selfridge Board, which shall be in full discharge of all claims against the United States on account of the vessels upon which the board made their allowance as per their report Senate Executive Document Numbered Eighteen, first session of the Thirty-ninth Congress. Total, three hundred and ten thousand two hundred and eighty-four dollars and eighty-three cents. Total..... \$327,506.37

¹ PEORIA—HISTORY OF CLAIM.—Favorably reported to the Senate in the Fifty-first and Fifty-fifth Congresses; to the House in the Fifty-first and Fifty-second Congresses.

Reports.—Senate: No. 1468, Fifty-first Congress; No. 98, Fifty-fifth Congress. House: No. 3093, Fifty-first Congress; No. 1048, Fifty-second Congress.

Passed both Houses in the Fifty-first Congress and vetoed.

² AGAWAM AND PONTOOSUC—HISTORY OF CLAIMS.—First introduced in the Forty-second Congress. Favorably reported to the Senate in the Fifty-first (twice), Fifty-fourth, and Fifty-fifth Congresses, and to the House in the Forty-second, Fifty-first (three times), and Fifty-fourth (twice) Congresses.

Reports.—Senate: Nos. 1345 and 1948, Fifty-first Congress; No. 752, Fifty-fourth Congress, and No. 140, Fifty-fifth Congress. House: Nos. 450, 3036, and 3363, Fifty-first Congress, and No. 1248, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress and the House in the Forty-second. Passed both the Senate and the House in the Fifty-first Congress and was vetoed; passed both Houses a second time in the same Congress, but failed to secure the Executive signature.

³ ONONDAGA—HISTORY OF CLAIM.—Favorably reported to the Senate and House in the Fifty-second Congress and passed the Senate at this Congress. (See Senate Report No. 1060 and House Report No. 1049, Fifty-second Congress.)

⁴ MUSCOOTA—HISTORY OF CLAIM.—First introduced in the Fifty-first Congress.

Favorable reports.—Senate: No. 622, Fifty-second Congress. House: Nos. 3212 and 3384, Fifty-first Congress, and Nos. 709 and 1964, Fifty-second Congress.

Passed the Senate in the Fifty-second Congress.

The provision here is for the allowance of certain claims in cost of the construction of naval vessels during the civil war in excess of the contract price allowed by a board appointed under the following resolution of the Senate:

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years eighteen hundred and sixty-two and eighteen hundred and sixty-three cost the contractors over and above the contract price, and the allowance for extra work, and report the same to the Senate at its next session; none but those who have given satisfaction to the Department to be considered.

The board consisted of the following-named naval officers: Commodore Thomas O. Selfridge, president; Chief Engineer Alexander Henderson succeeded by Chief Engineer Montgomery Fletcher, and Paymaster Charles H. Eldredge, and convened at the Brooklyn Navy-Yard June 5, 1865. The board was in session for about six months, and as a result of its deliberations reported forty-four vessels upon which there had been an excess of cost over the contract price, amounting in the aggregate to \$2,270,627.14. Among the allowances made were those included in this bill, as follows:

Wooden double-ender <i>Agawam</i> , machinery	\$40,433.73
Wooden double-ender <i>Pontoosuc</i> , machinery	40,433.73
Wooden double-ender <i>Peoria</i> , machinery	61,752.51
Iron double-ender <i>Muscoota</i> , hull and machinery	82,460.95
Ironclad <i>Onondaga</i> , hull and machinery	85,203.91

These claims grew out of the hurry and confusion incident to the building of a navy during the war, and appear to be directly due to the fact that the Government was not prepared at the time the contracts were let to furnish specific plans of what it desired. The shipbuilders were seen by Mr. A. C. Stimers, who had charge of the bureau of construction in New York, and some of them, according to their testimony, were practically impressed into the service of accepting contracts upon such crude descriptions as Mr. Stimers could give them of what he wanted. The *Paul Jones* was generally used by him as an illustration of what he would expect in the way of vessels, whereas it appears that in all cases of the vessels contracted for the machinery was heavier and more expensive than that of the *Jones*. In the case of the *Peoria*, for instance, the engines weighed nearly 600,000 pounds, while those of the *Jones* weighed only 380,000 pounds.

The delay, ranging from six months to eighteen months, caused by the Government's tardiness in furnishing plans and its persistence in changing its plans, caused loss by virtue of the increase in the cost of labor and materials. These increased prices are dwelt upon in an affidavit made by the late John Roach when the claims first came before Congress, in which he said:

The great scarcity of skilled mechanics, the disorganization of labor during and in consequence of the war, the giving out of so many contracts at the same time for steam machinery by the Government and the chartering of so many steam vessels of all classes to be used in the Government service, created a demand for skilled mechanics to meet which the ordinary supply was totally inadequate. Later this state of affairs was much aggravated by numbers of mechanics, induced by the heavy bounties, entering the volunteer service, others being conscripted or moving to distant localities to avoid conscription, many of the best workmen being absorbed by the Navy and navy-yards, others being attracted into avocations rendered by the war temporarily more lucrative than mechanical pursuits. Not only the cost of labor kept advancing through the whole time the work was in progress until it reached from 50 to 100 per cent above the rates paid at the time the contract was made, but owing to the great infusion of inexperienced hands its efficiency kept as steadily falling to a lower standard, taking much longer to build a pair of engines

at that period than it had previously done with the same number of workmen at lower prices. This disorganization in the labor market affected the cost of work indirectly as well as directly, subcontractors in most instances failing to finish the articles contracted for at the time specified, and in many instances furnishing materials which, not coming up to the standard of quality, had to be condemned and replaced, causing much delay, unnecessary labor, and increase in cost.

The enormous advance in the cost of all materials was in a great measure owing to the depreciation in value of paper money caused by the extraordinary issue by the Government of an irredeemable currency. Pig iron rose while the work was in progress from \$27 per ton in October, 1862, when the contract was made, to \$80; boiler plate from 6½ cents per pound to 10½ cents; bar iron from \$72.50 to \$220 per ton; ingot copper from 25½ cents to 51½ cents per pound; sheet copper from 30½ cents to 70 cents per pound. (See Senate Report No. 98, first session Fifty-fifth Congress.)

Similar representations are set up in all the cases mentioned here.

FOR CHURCHES AND SCHOOLS.

BOOK AGENTS M. E. CHURCH SOUTH.

To the Book Agents of the Methodist Episcopal Church South, a corporation chartered under the laws of Tennessee, two hundred and eighty-eight thousand dollars, for the property of said corporation, including the buildings and ground and all machinery and all materials of every kind used, taken away, injured, consumed, or destroyed by the United States or its Army, or for its benefit in any way, connected with the publishing house of said corporation in Nashville, Tennessee, during the years eighteen hundred and sixty-four and eighteen hundred and sixty-five, or at any other time..... \$288,000.00

Favorable reports.—In the Senate: No. 146, Forty-fifth Congress; No. 865, Fifty-fourth Congress, and No. 24, Fifty-fifth Congress. In the House: No. 20, Fifty-second Congress; No. 318, Fifty-third Congress, and Nos. 352 and 1761, Fifty-fourth Congress.

Adverse minority report to the Senate in the Forty-fifth Congress, printed as a part of Report 146 of that Congress.

Passed the Senate in the Fifty-fourth Congress and first session of the Fifty-fifth Congress.

The claimants in this case are The Book Agents of the Methodist Episcopal Church South, a corporation established under the laws of the State of Tennessee, doing a printing and publishing business in the city of Nashville, at the commencement of the late war, under the authority of the Church which they represent. Their business house, property, and materials were taken possession of by the forces of the United States during the latter part of the war and were occupied and used as a printing establishment for the benefit of the United States authorities from January 27, 1864, to December 13, 1865, and they seek compensation for use and occupation, the materials used and consumed, and the damage and injury done to their property during that time. A full statement of the facts in the case will be found in the report of the Committee on Claims during the first session of this Congress (Senate Report No. 24, first session Fifty-fifth Congress). The allowance is for \$288,000.

GERMAN EVANGELICAL CHURCH.

To the trustees of the German Evangelical Church, at Martinsburg, West Virginia, the sum of two thousand five hundred dollars, on account of the destruction of their church building and its furniture on the seventeenth day of February, eighteen hundred and sixty-three, while the same was in the possession of a portion of the military forces of the United States, and through their carelessness..... \$2,500.00

First introduced in the Forty-eighth Congress. Favorably reported to the Senate in the Fifty-first, Fifty-fourth, and Fifty-fifth Congresses; to the House in the Fifty-first and Fifty-second Congresses.

Reports.—Senate: No. 97, Fifty-first Congress; No. 432, Fifty-fourth Congress, and No. 49, Fifty-fifth Congress. House: No. 1166, Fifty-first Congress, and No. 212, Fifty-second Congress.

Passed the Senate in the Fifty-first and Fifty-fifth Congresses.

The German Evangelical Church at Martinsburg, W. Va., was com-

posed of Germans and citizens of German descent, mostly laboring people, attached to the Government of the United States, many of whom proved their loyalty by entering the Union Army during the war of the rebellion. The house in which they worshiped is valued by the witnesses at \$3,500. On the night of the 17th of February, 1863, it was destroyed by fire. It was securely locked, and had not been used for religious worship for eighteen months previously to that time, the disordered condition of the country and the absence of many of the members, who had been driven from home and found employment in the service of the United States as soldiers or otherwise, and of their preacher, who was a chaplain in the Union Army, having rendered their regular worship impracticable. On the evening in question (February 17, 1863), Capt. G. W. Hicks, of the Ninth Virginia Infantry, arrived in Martinsburg, having in charge about sixty men, who escorted a Government train from Winchester to that post. They were quartered in this church by order of the post adjutant (Lieutenant Hyatt). A stove stood on the eastern side of the building, and a fire was kindled in it. The pipe became disjointed at or near the ceiling. It was joined again, or supposed to be, and the fire again started. The night was stormy, the soldiers wet and cold, and a quick fire made from the dry pine seats created such heat that the ceiling took fire near where the break in the stovepipe had occurred. All efforts to stay the conflagration were unavailing, and the building was entirely destroyed. The sum of \$2,500 is asked for and allowed. (See footnote in connection with St. Joseph's Catholic Church.)

METHODIST EPISCOPAL CHURCH, MARTINSBURG, W. VA.

To the trustees of the Methodist Episcopal Church of Martinsburg, West Virginia, the sum of one thousand eight hundred and fifty dollars, for use and occupation of said church by the Federal troops from March, eighteen hundred and sixty-two, to April, eighteen hundred and sixty five	\$1,850.00
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First introduced in the Forty-second Congress. Favorably reported to the Senate and House in the Fifty-first and Fifty-second Congresses, and passed the Senate in both Congresses.

Reports.—Senate: No. 1469, Fifty-first Congress, and No. 97, Fifty-second Congress. House: No. 3187, Fifty-first Congress, and Nos. 213 and 465, Fifty-second Congress.

It appears from the evidence in the case that the Methodist Episcopal Church, located in the town of Martinsburg, was taken possession of on January 1, 1863, and occupied and used for the purposes of a hospital by the Union Army during the months of January, February, March, April, May, and June of that year, and during the month of May, 1864. The claim of the church was filed for the destruction of thirty-two pews, two stoves, eight window blinds, and damages to windows, amounting in all to \$466, and for rent of building to the amount of \$1,400, in the Quartermaster's Department in March, 1867, and on August 9, 1867, it was referred by the Assistant Quartermaster-General to Gen. S. Vanvliet for investigation and report. He reduced the claim on the pews, etc., to \$318. This the Quartermaster-General recommended should be paid, but the Third Auditor refused to allow it under the act of 1867. For an explanation of this refusal see footnote in connection with St. Joseph's Catholic Church, also of Martinsburg.

ST. JOSEPH'S CATHOLIC CHURCH, MARTINSBURG, W. VA.¹

To Bishop Augustine Vandebuyver, trustee of Saint Joseph's Catholic Church, at Martinsburg, West Virginia, the sum of two thousand eight hundred and eighty dollars, for the use and occupation of said church by the Army of the United States during the war of the rebellion.... \$2,880.00

First introduced in the Fiftieth Congress. Favorably reported to the Senate in the Fifty-first, Fifty-second, Fifty-fourth, and Fifty-fifth Congresses, passing that body each time, and to the House in the Fifty-first and Fifty-second Congresses.

Reports.—Senate: No. 409, Fifty-first Congress; No. 100, Fifty-second Congress; No. 604, Fifty-fourth Congress, and No. 29, Fifty-fifth Congress. House: No. 1093, Fifty-first Congress, and No. 467, Fifty-second Congress.

St. Joseph's church property was taken possession of on the 4th of March, 1862, by the Federal Army, the basement being occupied as a stable and the upper part of the building as a hospital, and it continued to be so used until the close of the war. All the testimony, including that of the priest and the soldiers who occupied it, goes to show that \$80 per month was a fair rental value. Hence the claim of \$2,880 for three years' occupation at that figure is allowed. Other claims amounting to \$1,070 for damages are not accepted.

CUMBERLAND FEMALE COLLEGE.

To the Cumberland Female College, of McMinnville, Tennessee, the sum of five thousand dollars, for the use, occupation, and consumption of its property for hospital and other army purposes during the late war of eighteen hundred and sixty-one to eighteen hundred and sixty-five by the military authority of the United States..... \$5,000.00

First introduced in the Fifty-first Congress. Favorably reported to the Senate in the Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses; to the House in the Fifty-second, Fifty-third, and Fifty-fourth Congresses.

¹This claim and others for damages to churches of different denominations located at Martinsburg, W. Va., were duly presented to the proper accounting officers of the Government, but were rejected under the act of February 19, 1867, which, it was claimed by these officials, extended to Berkeley County, in which Martinsburg is situated. This act was a construction of a previous act of the Thirty-eighth Congress relating to claims. In the act of 1867 it was declared that the previous act "should not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States, where such claim originated during the war for the suppression of the Southern rebellion in a State or part of a State declared in insurrection by the proclamation of the President of the United States, dated July 1, 1862, or in a State which by ordinance of secession attempted to withdraw from the United States Government."

There was a specific proviso attached to this act relieving the loyal citizens of West Virginia and Tennessee from its operations; but notwithstanding this proviso, the Second Comptroller held "that claims on account of the occupation of and injury to real estate should not be entertained by the accounting officers of the Treasury where such claims originated in either of said counties [Berkeley or Jefferson], and during the war of the rebellion."

It has been by reason of this construction of the statute that churches that were occupied for hospital or other purposes in the counties of Jefferson and Berkeley by the forces of the United States during the war of the rebellion have been compelled to apply to Congress for relief, as those counties were regarded as within the territory in insurrection against the Government, although in fact they were in the occupation and possession of the Union armies throughout the whole war, with the exception of the period of the movements of the Army of Northern Virginia down the valley of Virginia during the summer months.

In other instances of similar origin where these churches have been used for such purposes Congress has paid a reasonable rent and compensation for them.

Reports.—Senate: No. 1349, Fifty-second Congress; No. 342, Fifty-third Congress; No. 886, Fifty-fourth Congress, and No. 41, Fifty-fifth Congress. House: No. 18, Fifty-second Congress; No. 56, Fifty-third Congress; No. 275 and No. 2751, Fifty-fourth Congress.

Passed the Senate and the House in the Fifty-second Congress, but failed to secure the Executive signature. Also passed the Senate in the Fifty-fourth and Fifty-fifth Congresses.

This is an allowance of \$5,000 for the use and occupation of the buildings and premises of the Cumberland Female College at McMinnville, Tenn., as a hospital by the Federal forces in the years 1862, 1863, 1864, and 1865. An independent bill for the payment of this sum passed both Houses in the Fifty-second Congress, but it did not reach the President until the last day of the session, nor then until within an hour or less of the final adjournment, when a large number of bills were awaiting consideration and action. Those of a public nature and of greater general importance had the preference, and when the last moment came the bill had not even been considered by the President, and was still unsigned. The original claim was for \$10,000, and included claims for damage and injury to the buildings, furniture, and apparatus of the Cumberland Female College of McMinnville, Tenn., while the property was in the hands of the Union Army during the late war, as well as for the use and occupation of the buildings as a military hospital and for other army purposes. The committee, in its action, has recognized the claim for use and occupation and for any part of the property that was taken, disposed of, or consumed for army purposes, but has rejected all claims for damage, destruction, or injury.

NEWBERRY COLLEGE, SOUTH CAROLINA.

To the trustees of the Newberry College of the Evangelical Lutheran Synod of South Carolina, in Newberry, in said State, the sum of fifteen thousand dollars, for injuries to the buildings of said college, resulting in its destruction, and caused by the troops of the United States while in possession of it and occupying it as a barrack, after the close of the civil war, in eighteen hundred and sixty-five, in South Carolina..... \$15,000.00

First introduced in the Fifty-third Congress. Favorably reported by the Senate in the Fifty-third, Fifty-fourth, and Fifty-fifth Congresses; to the House in the Fifty-third and Fifty-fourth.

Reports.—Senate: No. 848, Fifty-third Congress, and No. 74, Fifty-fourth Congress. House: No. 233, Fifty-third Congress, and Nos. 159 and 704, Fifty-fourth Congress.

Passed the Senate as an independent bill in the Fifty-third, Fifty-fourth, and Fifty-fifth Congresses, and also as an amendment to the general deficiency bill in the Fifty-fifth Congress.

Newberry College, an institution of learning under the control of the Evangelical Lutheran Synod, located at Newberry, S. C., after continuing its existence during the civil war, was, in July, 1865, taken possession of as a barrack by the Fifty-sixth New York Infantry, under General Van Wyck, the troops continuing their occupation until December of that year. During this time they destroyed the chairs, benches, and other furniture of the college building, the chapel being filled with beds, and certain rooms in the building used as market stalls. They also caused the pipes which conducted the water from the roof of the building to be stopped up, so that there was an accumulation of water to the depth of about 4 feet upon the roof, within the parapet walls of the building, which was used by the troops for washing and bathing purposes. As a consequence of such an increase of weight, with thou-

sands of gallons of water upon the roof, the wall was caused to bulge so that the water thus accumulated soaked into the walls, thereby greatly weakening them. By reason thereof the heavy freezes which occurred in the winter of 1865-66 caused the demolition of some of the walls of the college building, and it was afterwards found necessary to demolish the entire building and erect a new one for the purposes of the college at a cost of \$17,000. The cost of the old building was estimated at \$18,000, and of the furniture destroyed at \$1,000. The amount for which payment is provided is \$15,000.

RICHMOND COLLEGE.

To Richmond College, located at Richmond, Virginia, the sum of twenty-five thousand dollars, to reimburse said college for the occupation of its buildings and grounds by United States troops and officers for the period of eight months, said occupation commencing in April, eighteen hundred and sixty-five, and for injury to and destruction of the buildings, the apparatus, libraries, and other property of said college by said troops and officers: *Provided*, That no money be so paid except upon accounts of such occupation, injury, and destruction and the damage caused thereby duly verified and proven..... \$25,000.00

First introduced in the Fifty-third Congress. Favorably reported to and passed by the Senate in the Fifty-fourth and Fifty-fifth Congresses and by the House in the Fifty-fourth Congress.

Reports.—Senate: No. 409, Fifty-fourth Congress, and No. 64, Fifty-fifth Congress. House: No. 1646, Fifty-fourth Congress.

Provision is here made for the payment of \$25,000 to Richmond College to compensate it for the occupation of its buildings and grounds by United States troops and officers, and for injury to the property and the destruction of the apparatus, libraries, and other property of the college by the troops and officers after the 9th day of April, 1865. The fact that the buildings and grounds of the college were occupied for about eight months subsequent to the 9th day of April, 1865, and that its library and scientific apparatus were destroyed and much injury done to its grounds and buildings by the troops and officers of the United States Army during such occupancy, appears to be established by the memorial of the trustees of the college and the evidence submitted therewith. Richmond College was incorporated in 1840 by the general assembly of Virginia. It was established and has been maintained solely by the generous and voluntary donations of the friends of education. It is and always has been a purely educational, literary, and scientific institution.

STEWART COLLEGE.

To Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tennessee, not exceeding twenty-five thousand and nineteen dollars and ninety-six cents, for the use and occupation of the building and grounds and for consumption of materials, for injury to its buildings, apparatus, cabinets, and other property injured or destroyed by troops of the United States during the late war, or such sum below that amount as the accounting officers of the Treasury Department, under direction of the Secretary, may find to be duly proven on account of such injury and destruction, use, occupation, and consumption of the building and grounds of said college..... \$25,019.96

Favorably reported to the Senate in the Fifty-fourth and Fifty-fifth Congresses. (See Senate Reports 255, Fifty-fourth Congress, and 376, Fifty-fifth Congress, and House Reports 160 and 2966, Fifty-fourth Congress).

Passed the Senate in the Fifty-fourth Congress.

Stewart College, now the Southwestern Presbyterian University, was a private educational institution at Clarksville, Tenn., duly incorporated under the laws of that State. Shortly after the fall of Fort Donelson the college buildings, with all their contents, were taken possession of by the Federal forces. The college was suitably equipped with buildings, fences, furniture, mineral and geological cabinets, philosophical and chemical apparatus, mathematical and astronomical apparatus, and libraries.

Notwithstanding an order from General Grant to the contrary, the college buildings were occupied by the troops and used as barracks and hospital, stripped of their contents. Three valuable libraries were destroyed, together with a valuable cabinet, and chemical, philosophical, mathematical, and astronomical apparatus.

It appears that Lieut. Col. A. J. MacKay, chief quartermaster, by a letter dated Nashville, Tenn., October 12, 1865, directed to the trustees of the college, inquired, by the direction of the chief quartermaster of the Military Division of Tennessee, whether they would accept the sum of \$4,000 and forego all claims against the Government on account of the occupancy of the Stewart College. This offer was not accepted and a much larger claim was presented. This claim seems just, and is here allowed, as it has been by previous Congresses.

CATHOLIC CHURCH, MACON CITY, MO.

That the Secretary of War is hereby authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged use and occupation by the United States military authorities for Government purposes, during the late war, of the Catholic church at Macon City, in Macon County, Missouri; the actual value of such use and occupation, and to find, award, and certify to the Secretary of the Treasury what amount, if any, is equitably due from the United States to said Catholic church as the reasonable value of such use and occupation; and that the Secretary of the Treasury is hereby authorized and directed to pay to the person or persons authorized to receive and receipt for the same the amount, if any, so found to be due, not exceeding seven hundred and twenty-five dollars, from the United States; and the acceptance of any sum paid under the provisions of this Act shall be in full satisfaction of all claims of every kind and nature for such use and occupation.....

\$725.00

Favorably reported to the Senate in the Fiftieth, Fifty-first, and Fifty-fourth Congresses; to the House in the Fiftieth, Fifty-first, and Fifty-second Congresses.

Reports.—Senate: No. 2639, Fiftieth Congress, and No. 741, Fifty-first Congress. House: No. 3079, Fiftieth Congress; Nos. 1597 and 2470, Fifty-first Congress, and No. 1592, Fifty-second Congress.

Passed the Senate in the Fifty-first and Fifty-fourth Congresses, and the House in the Fiftieth Congress.

The evidence filed in support of this claim shows that the church building was taken possession of and used and occupied by various commands of United States troops during the fall and winter of 1864. The Secretary of War is authorized to determine and certify to the Secretary of the Treasury what amount, if any, is equitably due from the United States to the church for such occupation, the Secretary of the Treasury to pay the amount so awarded without further legislation.

The limit beyond which the Secretary can not go in making payment is \$725.

ST. CHARLES COLLEGE.

That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged use and occupation by the United States military authorities, for Government purposes, during the late war, of the college buildings and grounds of Saint Charles College, in Saint Charles County, Missouri, the actual value of such use and occupation, and certify to the Secretary of the Treasury what amount, if any, is equitably due to said Saint Charles College from the United States as the reasonable value of such use and occupation; and that the Secretary of the Treasury is hereby authorized and directed to pay to said Saint Charles College, out of any money in the Treasury not otherwise appropriated, the amount, if any, so found to be due from the United States; and the acceptance by said Saint Charles College of any sum paid under the provisions of this Act shall be in full satisfaction of all claims of every kind and nature for said use and occupation, and all damages resulting therefrom.

First introduced in the Fiftieth Congress.

Favorable reports.—Senate: No. 331, Fifty-second Congress; No. 327, Fifty-third Congress; No. 257, Fifty-fourth Congress; No. 70, Fifty-fifth Congress. House: Nos. 215 and 1181, Fifty-second Congress; Nos. 817 and 1691, Fifty-third Congress, and No. 920, Fifty-fourth Congress.

Passed the Senate in the Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses.

The evidence submitted shows that the college buildings and grounds were taken possession of during the year 1861, and used and occupied from the 1st day of May of that year up to the 1st day of September, 1864, continuously as a post hospital for sick and disabled United States troops. The testimony submitted in support of the bill further shows that the college building is a three-story brick with stone basement, containing in all something over twenty rooms. It is further shown that at the time the property was taken possession of by the United States troops the college was possessed of valuable scientific apparatus and a fine library, both of which were destroyed by the troops, and that the building was also badly damaged. The provision does not seek the allowance of any specific amount for the use of the property and the damage done, but refers the matter to the Secretary of War, who is directed to investigate and pay the amount found to be due.

STATE CLAIMS.

CALIFORNIA, OREGON, AND NEVADA.

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named States the sums mentioned in connection with each to reimburse said States for moneys expended by them, respectively, in the suppression of the war of the rebellion, to wit, the amounts when paid to be accepted in full satisfaction for each claim:

California	\$3, 951, 915. 42
Oregon	335, 152. 88
Nevada	404, 040. 70
Total	4, 691, 109. 00

Favorable reports on the three above claims combined.—Senate: Nos. 1286 and 2014, Fiftieth Congress; No. 644, Fifty-first Congress; No. 158, Fifty-second Congress; No. 287, Fifty-third Congress; No. 145, Fifty-fourth Congress. House: No. 3396, Fiftieth Congress; No. 2553, Fifty-first Congress; No. 254, Fifty-second Congress; No. 258, Fifty-third Congress; No. 1648, Fifty-fourth Congress.

Passed the Senate in the Fiftieth, Fifty-first, and Fifty-third Congresses.

The claims of these three Pacific Coast States have come to be regarded as inseparable because all are of the same character and arose out of similar conditions. They are for the reimbursement to the States of the money by them actually expended in defraying the "costs, charges, and expenses" incurred in placing at the disposal of the United States 18,715 volunteer troops, under calls and requisitions officially made upon them therefor, by the proper civil and military authorities of the United States during the rebellion, between 1861 and 1865. The claims are founded upon the act of Congress of July 27, 1861 (12 Stat. L., 276), "An act to indemnify the States for expenses incurred by them in defense of the United States," the resolution of Congress of March 8, 1862 (12 Stat. L., 615), "declaratory of the intent and meaning of said act of July 27, 1861," the resolution of Congress of March 19, 1862 (12 Stat. L., 616), "to authorize the Secretary of War to accept money appropriated by any State for the payment of its volunteers, and to apply the same as directed by such State," and also under other acts.

The troops provided by the three States individually were in numbers as follows: California, 15,725; Nevada, 1,180, and Oregon, 1,810. The claim, if allowed, would give California \$3,951,915.42, Nevada \$404,040.70, and Oregon \$335,152.88. These sums are the same as those recited in three reports made by the Secretary of War to the Senate, which were printed during the Fifty-first Congress, and are known as Senate Executive Documents Nos. 10, 11, and 17 of the first session of that Congress. The raising of these troops was made necessary by the withdrawal of the regular troops stationed on the California coast at the beginning of the civil war. It is claimed that if the same number of troops had been sent to that coast from the Eastern States the transportation alone would have cost \$5,483,385.

The indemnification for the "costs, charges, and expenses" properly incurred by the States for enrolling, subsisting, clothing, supplying, arming, equipping, paying, transporting, and furnishing these volunteer troops, employed by the United States to aid them to maintain the "common defense," was guaranteed by the acts already cited, and the United States Supreme Court, in the case of the State of New York *v.* The United States, during the October term of 1895, held that in certain contingencies, very similar to those existing in the three Pacific Coast States, the States were entitled to collect interest. These war expenses were met by each of the States borrowing money on bonds, and the interest paid on these bonds is included in the allowance herein made. The total allowance for the three States is \$4,691,109.

FLORIDA INDIAN WAR.

That the Secretary of the Treasury be, and he is hereby, authorized to settle the mutual account, heretofore stated, between the United States and the State of Florida, under the authority of an Act of Congress, according to the mode of stating the same, found near the foot of the third page of the letter of the Secretary submitting his report, dated December sixteenth, eighteen hundred and eighty-nine, published as Executive Document Numbered Sixty-eight, House of Representatives, Fifty-first Congress, by continuing the computation of interest upon the principal on both sides to the date of settlement, and ascertaining the balance due the said State. And the Secretary of the Treasury is hereby authorized to surrender to the governor of the State of Florida the bonds of said State held by the United States which are included in such statement; and such sum of money is hereby appropriated, out of any moneys not otherwise appropriated, as is necessary to pay to the State of Florida whatever balance is found due said State.

Favorably reported to the Senate in the Forty-sixth, Forty-seventh, Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses; to the House in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Reports.—Senate: No. 378, Forty-sixth Congress; No. 995, Forty-seventh Congress; No. 109, Forty-eighth Congress; No. 183, Forty-ninth Congress; No. 2482, Fiftieth Congress; No. 1539, Fifty-first Congress; No. 198, Fifty-second Congress; No. 326, Fifty-third Congress; No. 264, Fifty-fourth Congress; No. 23, Fifty-fifth Congress. House: No. 303, Forty-ninth Congress; No. 367, Fiftieth Congress; No. 3839, Fifty-first Congress; No. 237, Fifty-second Congress; No. 4, Fifty-third Congress; No. 1351, Fifty-fourth Congress.

Passed the Senate in the Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses. The claim also passed the Senate in the Forty-ninth Congress, but was afterwards reconsidered, rereferred, and then reported adversely. See Senate Report No. 1962, second session Forty-ninth Congress.

This claim has been before Congress for many years. In its present shape it is based upon a report made by the Secretary of the Treasury (House Executive Document No. 68) during the first session of the Fifty-first Congress in accordance with a provision contained in the deficiency appropriation bill approved March 2, 1889. The provision made here is intended to carry out the recommendations of this report and to provide for the balance found to be due the State of Florida. The account originated in a claim set up by Florida for money expended in military operations for the defense of her people during the Seminole war, in the years 1856 and 1857. In the emergency the governor appealed to the War Department to accept the services of the troops thus raised and organized, but the Secretary consented to receive only five companies. These forces, with the United States troops then on duty in that section, were inadequate to the protection of the people, and the governor

felt constrained to retain in the service, besides those received by the General Government, several companies, aggregating about 400 men. These were added to from time to time as the exigency seemed to require. These forces were regularly organized and mustered into the service of the State for a period of six months, unless sooner discharged. They cooperated with the United States troops and rendered efficient service. It became necessary for the State to negotiate burdensome loans to meet the expenses thus incurred.

The Secretary of War in 1857 issued an order for the mustering in and out of these troops, but this order was found impossible of execution because the various organizations had disbanded. Referring to the question, Hon. John B. Floyd, who was then Secretary of War, wrote:

Under the circumstances the only course left for the Department is to receive as official the State rolls, duly certified by the State authorities, and to base upon them a recommendation to Congress for the appropriation necessary to pay off the troops. This course will obviate the difficulties mentioned by you on account of the disbandment of the volunteers in question.

While Hon. Robert T. Lincoln was Secretary of War he entered upon the examination of the claim in a very thorough manner, distributing the different abstracts of expenditures submitted by the State among the different departments under his control having charge of the matters included in them. The vouchers were carefully examined and acted upon, and the work of each subdepartment was afterwards reviewed by the head of the War Department. The result appears in the report made to the Congress by the Secretary May 22, 1882, and the same was printed as House Executive Document No. 203, Forty-seventh Congress, first session.

The claims presented to the General Government amounted to \$279,033.67, but only \$224,648.09 was allowed. It is upon this latter sum that the amount must be computed. Provision is also made for an allowance of interest. The State paid, on account of the loans made, interest at the rate of 7 per cent. The United States holds \$132,000 worth of these bonds as a part of the Indian trust fund, which amount it is intended should be used as an offset to the Florida claim. No interest has been paid on the bonds held by the Government since 1873.

In a report made in the first session of the present Congress by this committee, the official record in favor of allowing the claim was summed up as follows:

The only unfavorable report ever made upon this Indian war claim was that made by a majority of this committee in the Forty-ninth Congress. The President recognized its justice in 1857; the Senate and its Committee on Military Affairs have more than once passed favorably upon the claim for the principal; the War Department, through Secretary Lincoln, found a large amount due the State, after a most careful examination, in 1886 and 1887; the House of Representatives found principal and interest due the State to the full amount claimed.

In that report, made by Senator Pasco, occurs the following suggestion as to the method of settlement:

Two methods are suggested for striking a balance: (1) By computing interest on each side to the day of settlement; (2) by computing interest on the amount due the State to November 26, 1873 (the date to and including which the interest due on the bonds in which the Indian trust funds have been invested has been paid), and striking a balance and computing interest to the day of settlement on the principal of the amount advanced by the State. The effect of this second method will be to stop the interest as against the State from November 26, 1873. The amount due the State according to the first method on the 1st day of January last was \$567,954.50; and according to the second method at the same time, \$716,667.15.

TENNESSEE.

That the Attorney-General, Secretary of the Treasury, and the Secretary of War be, and they are hereby, authorized and required to proceed to compromise, adjust, and settle with the State of Tennessee, through her duly appointed agent, the claims of the Government of the United States for railroad equipments and materials purchased for the Memphis, Clarksville, and Louisville Railroad Company, the Edgefield and Kentucky Railroad Company, and the McMinnville and Manchester Railroad Company, by the receivers of said railroad companies, and for certain coupon bonds issued by said State and originally purchased and held by the United States in trust for certain Indian tribes; and also the claims of the said State of Tennessee against the United States for certain abatements and reductions of said indebtedness by reason of excessive valuations of said equipments and materials; and also for certain set-offs and counterclaims, growing out of the use by the United States Government, for military and other purposes, and the deterioration of the property by the use of certain of the Tennessee railroads upon which the said State had an express and prior statutory lien; and for the removal and appropriation of the property, rails, bridges, and so forth, of the following roads, namely, the Memphis, Clarksville and Louisville Railroad Company, the McMinnville and Manchester Railroad Company, the Winchester and Alabama Railroad Company, and the Edgefield and Kentucky Railroad Company; that this settlement shall be upon such terms as to amount, allowance of interest, and so forth, as shall do equal and impartial justice to both parties; and if the result of such settlement shall disclose a balance due to the United States from the State of Tennessee, and the payment of such balance shall not be provided for at the next regular session of the legislature of Tennessee, then the Secretary of the Treasury is hereby authorized and required to proceed to collect same by appropriate proceedings, in accordance with the terms of the bonds held by the United States; and in the event the result of said settlement shall disclose a balance due the State of Tennessee, the Secretary of the Treasury is hereby authorized and directed to pay the same to the governor of Tennessee, out of any money in the Treasury not otherwise appropriated.

Favorable reports.—In the Senate: No. 245, Fifty-third Congress, and No. 407, Fifty-fourth Congress. In the House: No. 715, Fifty-third Congress, and No. 1848, Fifty-fourth Congress.

Passed Senate in the Fifty-third and Fifty-fourth Congresses.

The provision in this case is the same as that of the substitute reported to the last session of Congress by the Senate Committee on Military Affairs. It authorizes the Attorney-General, the Secretary of the Treasury, and the Secretary of War to proceed to confer with the attorneys of the State of Tennessee and make a settlement of all the claims on the part of each—the State of Tennessee and the United States—and if such settlement should show any balance due to the United States from the State of Tennessee the fact is to be reported to the governor, and if payment shall not be provided at the next regular session of the legislature, then the Secretary of the Treasury shall proceed to collect by appropriate proceedings in accordance with the terms of the bonds held by the United States; and if the result of the settlement shall show a balance due to the State of Tennessee from the United States, then they are to report the same to Congress, with such recommendations as they deem proper. They are to settle all claims, and to report to Congress whatever settlement they make, not to be effective until approved by Congress.

It is claimed that the State of Tennessee is indebted to the United States for railroad equipments and materials purchased for the Memphis, Clarksville and Louisville Railroad Company and the Edgefield and Kentucky Railroad Company by the receivers of these companies, and also for certain coupon bonds issued by said State and originally purchased and held by the United States in trust for certain Indian tribes. The State of Tennessee claims against the United States certain abatements and reductions of this indebtedness by reason of excessive valuations of equipments and materials, and also certain set-offs and counterclaims growing out of the use by the United States Government

for military and other purposes and the deterioration of the property by the use of certain of the Tennessee railroads upon which the State had an express and prior statutory lien, and for the removal and appropriation of the property, rails, bridges, etc., of the following roads: The Memphis, Clarksville and Louisville Railroad Company, the McMinnville and Manchester Railroad Company, the Winchester and Alabama Railroad Company, the Knoxville and Kentucky Railroad Company, and the Edgefield and Kentucky Railroad Company. These facts are explained at length in the reports cited.

WEST VIRGINIA.

That the Secretary of the Treasury is hereby authorized and directed to pay to the State of West Virginia, out of any money not otherwise appropriated, the sum of two thousand and nineteen dollars and fifty-seven cents, the same being the amount paid by the said State to certain officers of the One hundred and thirty-third Regiment West Virginia Militia for services rendered by them in the war of the rebellion, being the difference between thirteen dollars per month, received by them, and the amount they should have received as such officers .. \$2,019.57

Favorable reports.—In the Senate: No. 1204, Fiftieth Congress; No. 67, Fifty-first Congress; No. 99, Fifty-second Congress. In the House: No. 2481, Fiftieth Congress; No. 887, Fifty-first Congress; No. 468, Fifty-second Congress.

Passed the Senate in Fiftieth, Fifty-first, and Fifty-second Congresses.

The intention here is to refund to the State of West Virginia money expended in the payment of certain militia officers from that State.

Congress at the first session of the Forty-ninth Congress passed an act, which was approved June 21, 1886, entitled "An act to reimburse the State of West Virginia for moneys expended for the United States in enrolling, equipping, and paying militia forces to aid in suppressing the rebellion." Under the provisions of this act the three commissioners appointed by the President passed upon the claims presented by the State of West Virginia, and which had been paid by that State in accordance with the act referred to. Among other claims presented to the commission were those of Maj. Ezra B. Morgan, Capt. Daniel Gould, Lieut. Harvey Geyer, and Lieut. L. Y. McAvoy. Although the rank of each of these officers of the One hundred and thirty-third Regiment of West Virginia Militia is given on the pay roll, the fact also appears that they were allowed pay only as privates, and not in accordance with their respective ranks. Why this was done does not appear either in the records of the State, now in possession of the Adjutant-General, nor from any of the records in the possession of the Government of the United States. These officers were paid by the State of West Virginia at the time only the pay of privates, and consequently in the settlement of the accounts of the State of West Virginia with the United States the Government refunded only the amount that was paid by the State, and the State subsequently appropriated the money to make good the difference, amounting in Morgan's case to \$480.40, in Gould's to \$748.90, in Geyer's to \$685.73, and in McAvoy's to \$104.54, making a total of \$2,019.57.

VARIOUS STATES.

That the Secretary of the Treasury be, and he hereby is, directed to examine the balances found due to the several States under the Act of July twenty-seventh, eighteen hundred and sixty-one, and reported in Senate Document Numbered Seventy-five, Fifty-fourth Congress, first session, and that he be directed to certify his finding to Congress at its next session.

The claims referred to are those incurred by the various States in raising troops during the war of the rebellion.

The payment of these claims, enumerated in the document to which the provision refers (Senate Document No. 75, first session Fifty-fourth Congress), was recommended by Second Comptroller Gilkeson, November 21, 1892, and December 2, 1892. Under the provisions of the document quoted, the amounts payable to each of the States would be as follows:

Maine	\$6, 353. 53
New Hampshire.....	567. 34
Vermont	10, 453. 73
Massachusetts	1, 779. 57
Connecticut	12, 911. 96
New York	17, 282. 99
New Jersey.....	313. 10
Pennsylvania.....	36, 675. 02
Kentucky	22, 022. 31
Ohio	40, 339. 14
Michigan	3, 008. 81
Illinois	16, 976. 61
Wisconsin	7, 491. 31
Indiana	1, 614. 28
Iowa	17, 470. 73
Total	195, 260. 43

Mr. T. Stobo Farrow, Auditor for the War Department, in a letter to the Secretary of the Treasury, dated December 31, 1895, said of the claims:

The great mass of items which go to make up the several sums above have been disallowed solely on the ground that the expenses incurred and paid were on account of officers and men not mustered into the service of the United States. Some items were found, however, which stand disallowed not only because the charges were for troops not mustered, but for some additional reason found to be a noncompliance with the law of 1861. These have been included conditionally, that the States may have an opportunity to supply the required evidence if they so desire.

MISCELLANEOUS CLAIMS.

TWYMAN O. ABBOTT.

To Twyman O. Abbott, of Tacoma, State of Washington, the sum of ten thousand nine hundred and sixty-seven dollars and seventy-five cents, in full and final settlement of his claim for damages sustained by reason of the breach of a certain contract for lease of a building and ground for post-office purposes \$10,967.75

First introduced in the Fifty-fourth Congress. Favorably reported to both the Senate and House in that Congress (Senate Report No. 780, including House report). Passed the Senate as an independent bill, and as an amendment to the general deficiency appropriation bill. Favorably reported to the Senate, first session Fifty-fifth Congress (Senate Report No. 127).

The facts upon which this claim is based are as follows: In 1889 the Post-Office Department detailed an inspector to secure enlarged quarters for the post-office at Tacoma, Wash., and he, acting in accordance with his instructions, advertised for bids to provide such quarters for a term of five years. In response to his advertisement he received several proposals, among others one from Twyman O. Abbott, the claimant in this case, as follows:

POSTMASTER-GENERAL OF THE UNITED STATES:

I hereby offer to build a brick building, either two or three stories in height, on lots three (3) and four (4), in block seven hundred and six (706), Tacoma, and give the Government for use as a post-office a room 30 by 120 feet on first floor, for the term of five years or more, in consideration of twelve hundred dollars per annum; and I also agree to furnish all fuel, lights, and furniture necessary for the use of said post-office, and to build a vault in said room of about the size of 6 by 6 by 10 feet, with proper shelving. The building will be similar to the plans inclosed and attached hereto.

Respectfully submitted.

T. O. ABBOTT.

The offer was duly accepted by the Department, and Abbott was instructed to proceed with his building. The building was erected at a cost of \$115,000, and the post-office room was occupied about the 1st of January, 1890. The premises were abandoned after nine months' occupancy, in the following October, on the plea that they were "not conveniently located for post-office purposes."

The Federal circuit court for the district of Washington found the facts as represented by Abbott. It appears that he expended for furniture, fixtures, heat, light, and other necessary articles in the performance of his contract, \$7,463.75. This committee has in previous Congresses made an allowance of \$3,504 for rent, which action was, we think, correct. The sum due is \$10,967.75.

J. W. ADAMS.

To J. W. Adams, superintendent of the mint at Carson, Nevada, the sum of three hundred and one dollars, to reimburse him for payments made to T. R. Hofer and L. L. Elrod for services, respectively, as acting chief clerk and bookkeeper at said mint \$301.00

Passed the Senate as a part of the general deficiency appropriation bill at the second session of the Fifty-fourth Congress.

O. F. ADAMS.

To O. F. Adams, of North Carolina, the sum of one thousand four hundred and fifty dollars, for services rendered the United States Government during the war of the rebellion \$1,450.00

Favorably reported to and passed the House in the Forty-ninth Congress. (House Report No. 3339, Forty-ninth Congress, first session.) Favorably reported to the House in the Fiftieth, Fifty-first, Fifty-second, and Fifty-third Congresses. (See House Reports No. 2055, Fiftieth Congress; No. 567, Fifty-first Congress; No. 521, Fifty-second Congress, and No. 818, Fifty-third Congress.)

The evidence, consisting of the affidavits of the claimant, O. F. Adams, and R. C. Windley, William Ebon, John Albert, and Thomas D. Smaw, shows that on the 1st day of May, 1862, the Federal forces took possession of the jail in the town of Washington, N. C., and used it as a military prison from that day until May 3, 1864, and during all that time, under orders of the Federal officers in command at that place, the claimant acted as jailer and keeper of the prison, attending to the prisoners there confined and performing all the duties pertaining to the position of jailer faithfully under promises from the commanding officers that he should be fully paid for his services; and that again, in August, 1865, the jail was taken charge of by the Freedmen's Bureau, and used as a prison until January, 1866, and during all this time the claimant was employed by the officer in charge of the Bureau at that place, for which services he has never received any compensation. From the evidence it appears that Adams served the United States Government in the capacity of jailer twenty-nine months, and that he is justly entitled to receive as compensation therefor the sum of \$50 per month. The sum suggested is \$1,450.

W. L. ADAMS

To W. L. Adams, late collector of customs at Astoria, Oregon, the sum of four hundred and sixty-one dollars and two cents, found to be due him as such collector on the settlement of his accounts in the Treasury Department \$461.02

First introduced in the Thirty-ninth Congress. Favorably reported to the Senate in the Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, Forty-seventh, Fifty first, Fifty-third, and Fifty-fourth Congresses, passing the Senate each time. (See Senate Reports No. 195, of the Forty-seventh Congress, and No. 83, of the Fifty-fourth Congress.)

Adversely reported to the Fortieth and Forty-second Congresses. (See House Report No. 57, Fortieth Congress.)

The claimant, William L. Adams, was collector of customs for the district of Oregon from June 18, 1861, to February 28, 1867. While he was collector he undertook to convey by steamer to San Francisco a large sum of money which he had collected for the United States, with the intention of depositing the same to the credit of the Treasurer of the United States. This he was instructed to do by the Treasury Department. Between Astoria and San Francisco his trunk was robbed of the sum of \$20,500. The robbers were afterwards arrested, and there was recovered from them \$7,342.70, leaving a sum stolen and unrecovered of \$13,157.30. On the settlement of Mr. Adams's account suit was entered against him for \$12,696.28, the difference being \$416.02; the amount named in the bill, showing that, had there been no robbery,

on a final settlement the United States would have been indebted to him in the sum of \$461.02. The suit was prosecuted to final judgment in the district court of the United States for the district of Oregon. Mr. Adams made defense and the suit was decided in his favor. The amount of his claim was allowed on the books of the Treasury, but as Mr. Adams's account was closed the Treasury officials could find no way of making the allowance. They certified the claim to Congress as correct.

AMES AND DETRICK.

To Ames and Detrick, manufacturers of grain bags at San Francisco, or to the person or persons legally entitled to receive the same as a refund, the amounts actually collected from said firm and its predecessors, Detrick and Company, E. Detrick and Company, and E. Detrick, amounting to eleven thousand and four dollars and fifty-one cents, for alleged extra expenses incurred by customs officers in supervising the export of grain bags, with benefit of drawback, over and above the ten per centum retention provided by law \$11,004.51

First introduced in the Fifty-first Congress. Favorably reported to the House in the Fifty-second, Fifty-third, and Fifty-fourth Congresses, and to the Senate in the Fifty-third and Fifty-fourth Congresses, and the first session of the Fifty-fifth Congress.

Reports.—House: No. 906, Fifty-second Congress; No. 591, Fifty-third Congress, and No. 198, Fifty-fourth Congress. Senate: No. 822, Fifty-third Congress; No. 594, Fifty-fourth Congress, and No. 144, Fifty-fifth Congress.

Passed the Senate in the Fifty-third and Fifty-fourth Congresses.

Ames & Detrick are manufacturers of grain bags at San Francisco, Cal., and their claim is based upon an allowance for a drawback under the regulations issued by the Secretary of the Treasury in 1883. These regulations were intended to enable manufacturers of grain bags to recover the drawback allowed by law on imported materials manufactured into articles within the United States and thence exported. The regulation provided that each grain bag should bear an indelible inscription expressly reserving the drawback right to the manufacturer, and that the manufacturer should bear any extra expense of administering the regulation. The then collector of customs at San Francisco so construed the regulation as to require the manufacturer to refund to the custom-house the compensation paid to the Government inspectors by whom the exported grain bags were counted and certified for payment of drawback. The result was that \$11,004.51 was exacted from this manufacturing house, under its successive firm names and styles of Detrick & Co., E. Detrick & Co., E. Detrick, and Ames & Detrick, before the exaction ceased, partly by the voluntary action of the Secretary of the Treasury and partly by virtue of a decision of the United States circuit court at San Francisco to the effect that the exactions were illegal. This decision was accepted by the Secretary of the Treasury, upon advice of the Attorney-General, as final and conclusive, without appeal to the Supreme Court. In addition to these exactions the Department retained the statutory 10 per cent of the duties paid on the imported materials, as in other cases of drawback. The parties have lost their legal right to recover these unlawful exactions because they did not formally protest and appeal or enter suit upon each exaction as it was made. But it appears that from the beginning they objected to the exaction, and were deterred from more formal proceedings for the time being by promises from the Secretary of the Treasury, the collector of customs, and the special Treasury agent at San Francisco that the matter should receive proper consideration.

The exaction was only stopped by the judgment of the circuit court for the northern district of California in a test case, but the amount paid previous to the rendering of the decision was beyond recovery. This amount, as above stated, is \$11,004.51.

DR. THOMAS ANTISELL.

To Doctor Thomas Antisell, late surgeon and brevet lieutenant-colonel of volunteers, the sum of two thousand five hundred dollars, for the use and occupation of his land near Fort Albany, Virginia, by the troops of the United States during the war of the rebellion and for property taken and consumed by the United States for military purposes \$2,500.00

First introduced in the Fifty-first Congress. Favorably reported to the Senate in the Fifty-second, Fifty-third, and Fifty-fourth Congresses; to the House in the Fifty-first, Fifty-second, and Fifty-fourth.

Reports.—Senate: No. 764, Fifty-second Congress; No. 939, Fifty-third Congress, and No. 996, Fifty-fourth Congress. House: No. 3591, Fifty-first Congress; No. 389, Fifty-second Congress, and No. 694, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress.

This claim grows out of injury to real property during the civil war. As originally made it amounted to \$10,000, but it has been reduced by previous reports of the Committee on Claims to \$2,500, at which figure we now place it. At the beginning of the war Dr. Antisell owned a place situated at the west end of Long Bridge, near the banks of the Potomac River, in Virginia, and within sight of the National Capitol, where he resided. Of his loyalty to the Government of the United States there can be no doubt. He was in the service of the Government and he remained a loyal officer, and in every avocation acquitted himself in a manner creditable to himself and to the advantage of his country. At the breaking out of the war troops occupied his place, a fort was built upon it, his home was broken up, and he was compelled to remove to the District of Columbia. The orchard and forest and fencing were taken by the troops and used for firewood, in the construction of a fort, or for other military uses.

The officers of the Government seem to have entered upon a consideration and negotiation as to the value of the property taken by them, but in the excitement and mutations of the time did not give to Dr. Antisell the proper vouchers which would insure his being paid. The amount allowed is \$2,500.

ARCTIC (HAWAIIAN BARK).

To the owners, or their legal representatives, of the vessel or bark Arctic, the sum of twenty-three thousand five hundred dollars, for the losses sustained by them in abandoning their business of whale catching, and the services rendered in rescuing one hundred and seventy-six seamen in the Arctic Sea; the said money to be paid over to the owners of said bark, the Arctic, for the benefit of themselves and of such officers and crew as were engaged in that particular season, to wit, in the summer of eighteen hundred and seventy-one, of the cruise in the Arctic Ocean, during which said rescue was made; and said moneys shall be distributed by the owners between themselves and said officers and crew in the proportion to their respective lays, and in the same manner as the ordinary earnings of said crew would have been distributed; the Secretary of the Treasury not to be bound to see to the application of said moneys by the owners \$23,500.00

First introduced in the Fifty second Congress.

Favorable reports.—In the Senate: No. 577, Fifty-second Congress; No. 231, Fifty-third Congress, and No. 757, Fifty-fourth Congress. In the House: No. 918, Fifty-second Congress, and No. 430, Fifty-third Congress.

Passed the Senate in Fifty-second, Fifty-third, and Fifty-fourth Congresses.

This claim grows out of the rescue of an American whaling fleet in the fall of 1871, in which the Hawaiian bark *Arctic* participated with six other vessels, all of the seven except this one being of American registry. The *Arctic*, owned by Brewer & Co., was in September of that year, with the American vessels, entering upon a whaling season, which promised to be very prosperous. While lying off Blossom Shoals, the masters of these vessels were notified that a fleet of about thirty American whaling ships, with crews numbering in the aggregate to exceed one thousand men, were icebound about 60 miles to the northward, and all doomed to perish unless rescued by the seven vessels anchored off Blossom Shoals. The appeal for aid was responded to by all the free vessels, including the *Arctic*, with the result that all the sailors on the icebound vessels were rescued and returned to places of safety.

This work, however, involved the abandonment of all whaling operations for the season. The *Arctic* took on board 176 of the rescued seamen, carrying them to Honolulu in safety. The loss to this vessel on account of the abandonment of its voyage is estimated as follows:

900 barrels whale oil, at 75 cents per gallon.....	\$21,262.50
16,000 pounds whalebone, at \$1.75 per pound.....	28,000.00
Loss and damage to ship.....	1,500.00
Total	50,762.50

A bill for the relief of the owners of the American vessels engaged in this rescue became a law in the Fifty-first Congress, but the *Arctic* was excluded because it was of foreign registry. The allowance made by this act for the American ships was at the rate of \$23,500. A bill making a similar allowance for the Hawaiian vessel and its crew has heretofore passed the Senate, and we again recommend the appropriation for this purpose of the sum of \$23,500.

ESTATE OF STERLING T. AUSTIN.

To Mrs. Florine A. Albright, administratrix of the estate of Sterling T. Austin, deceased, the sum of fifty-nine thousand two hundred and eighty-seven dollars, being the proceeds of the sale of three hundred and sixty bales of cotton, the property of said Sterling T. Austin, seized by the civil and military authorities of the United States and received into the Treasury, as found by the Court of Claims..... \$59,287.00

First introduced in the Forty-third Congress.

Favorable reports.—In the Senate: No. 886, Fifty-second Congress; No. 687, Fifty-fourth Congress, and No. 104, Fifty-fifth Congress. In the House: No. 3072, Fifty-first Congress; No. 125, Fifty-second Congress; No. 1935, Fifty-third Congress, and No. 239, Fifty-fourth Congress.

Passed the Senate as an independent bill in the Fifty-fourth and first session of the Fifty-fifth Congresses, and as an amendment to the general deficiency appropriation bill in the second session of the Fifty-fourth Congress.

The claim grows out of the seizure of and injury to property owned by the late S. T. Austin by Federal troops during the war of the rebel-

lion. At the breaking out of the war Mr. Austin was the owner of the plantation in Carroll Parish, La., known as "Three Bayou Place," containing 2,380 acres. During 1863, while he was absent from his home, all the movable property on his place was, by order of Gen. J. B. McPherson, seized and carried away by the troops under his command. This property consisted of 1,200 bales of cotton, 82 mules, 100 head of cattle, 10,000 bushels of corn, etc., all valued at \$300,000. A levee was also cut and the plantation submerged. The cotton was shipped to Memphis, where at least a part of it was sold, while the other property taken was devoted to the uses of the Army. Afterwards Mr. Austin removed to Texas, where more cotton owned by him was also seized.

The claim was prosecuted in the Court of Claims in behalf of the widow and children of Mr. Austin, he having been killed in 1879, the court finding evidence of the sale of only 360 bales of cotton by the Government, which brought \$59,287. The committee recommend the payment of this sum. It should be stated that the court found that Mrs. Austin and her children were loyal to the Union during the war, and that many affidavits are on file showing Mr. Austin also to have been loyal.

For an explanation of the "Cotton Fund," see letter from the Secretary of the Treasury, printed as Appendix E of this report.

W. R. AUSTIN & CO.

To W. R. Austin and Company, the sum of fifteen thousand dollars, for materials furnished to the Interior Department by said W. R. Austin and Company for use in the Eleventh Census of the United States... \$15,000.00

First introduced in the Fifty-fourth Congress.

Reported favorably to both the Senate and the House in the Fifty-fourth Congress. (Senate Report No. 641, Fifty-fourth Congress, first session; House Report No. 2926, Fifty-fourth Congress, second session.)

Passed the Senate in that Congress.

In 1887 William R. Austin conceived the idea of publishing a directory which should contain the names of all the members of the Grand Army of the Republic, the company and regiment in which they served, and their present post-office addresses. Mr. Austin established his office in the city of New York, where, with a clerk and several typewriters, he prosecuted the work of securing names of the Grand Army during the years 1888, 1889, and 1890. In order to secure and protect his rights he applied for and secured a copyright upon the work. Mr. Austin secured about 400,000 names, and the Joint Committee on Library of the two Houses of Congress in the Fifty-first Congress favorably reported a bill providing for the purchase of 5,000 copies of the proposed work, at \$10 each. When the Eleventh Census was taken, in June, 1890, it was found that the census law had made provision for the compilation of the names of all soldiers who served in the war of the rebellion, their widows and orphans. As this census would contain all the names compiled by Austin & Co. for their Grand Army Directory, the bill reported by the Library Committee did not pass, and the orders which Austin & Co. had secured from Grand Army organizations, individuals, and libraries, amounting to over 3,500, were withdrawn, causing the failure of the enterprise and the bankruptcy and ruin, financially, of Mr. Austin. In the fall of 1890 Mr. Austin entered into negotiations with the Hon. Robert P. Porter, then Superintendent of the Census, for the sale of his material to the Census Office; but while it appears that Mr. Austin considered the bargain closed it was never consummated. It appears from affidavits that the actual outlay of the promoters of the

enterprise was \$35,000. The amount was fixed by the Committee on Appropriations at \$15,000, when, in the second session of the Fifty-fourth Congress, the claim passed the Senate as a part of the general deficiency appropriation bill, and the figures of that committee have been adopted in the allowance here made.

EVERY D. AND MARGARET I. BABCOCK.

To Avery D. Babcock, of Polk County, Oregon, and to Margaret I. Babcock, his wife, the sum of two thousand dollars, to be equally divided between them, in payment of their claim against the Government of the United States for the use and occupation by the United States of their donation claim numbered fifty-eight, in section eight, in township six south, range seven west of the Willamette meridian, in the State of Oregon..... \$2,000.00

First introduced in the Forty-eighth Congress.

Favorable reports.—In the Senate: No. 256, Fifty-first Congress; No. 199, Fifty-second Congress; No. 280, Fifty-third Congress; No. 748, Fifty-fourth Congress; and No. 150, Fifty-fifth Congress.

Passed the Senate in each of these Congresses except the Fifty-fifth.

This is a claim of A. D. Babcock and wife for the use and occupation by the United States of certain lands in the State of Oregon. From a report of the Secretary of War and from evidence submitted it appears that the lands in question were settled, improved, and occupied as early as April 1, 1854, by A. D. Babcock and his wife, under the Oregon donation laws, and that a patent to the donees was duly issued by the United States March 2, 1883, therefor, to wit: Oregon donation claim No. 58, notification No. 8033, donation certificate No. 4000, being part of sec. 8, T. 6 S., R. 27 W., Willamette base and meridian, containing 159.35 acres. From the evidence it sufficiently appears that these lands were taken possession of by the United States in 1856 and 1857, and were continuously used and occupied by the United States for over ten years, some portions for Indians and other portions for military purposes. The value of the use and occupation of these lands is variously estimated at from \$2,000 to \$3,000. The estimate of the Secretary of War is \$2,000, which is the lowest estimate made by anyone, and the committee has adopted those figures in recommending the appropriation.

MARTHA A. BAGWELL, EXECUTRIX OF SALLY HARDMOND.

To Martha A. Bagwell, executrix of Sally Hardmond, deceased, the sum of four thousand eight hundred and fifty dollars, being the balance due said Sally Hardmond on account of her personal services as a nurse in the Bureau of Freedmen, Refugees, and Abandoned Lands, district of Virginia, and for rent of a dwelling house in the city of Richmond, in the State of Virginia, and for one house, hired by and used for the purposes of said Bureau, and for money expended by her in and for said Bureau..... \$4,850.00

First introduced in the Forty-eighth Congress.

Favorable reports.—In the Senate: No. 720, Fifty-fourth Congress, and No. 79, Fifty-fifth Congress. In the House: No. 275, Fifty-first Congress, and No. 2710, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth and Fifty-fifth Congresses.

It appears, from the testimony in this case, that in 1866 Gen. Orlando Brown, assistant commissioner of refugees of the United States, having charge of the Freedmen's Bureau in Richmond, Va., authorized the original claimant, Mrs. Sally Hardmond, to open a 12-room house owned by her in that city for the benefit of indigent refugee freedmen and their families who might come into the city. In accordance with this

authorization she opened her building on the 1st of April, 1866, and used it for the exclusive use of the freedmen from that time continuously until April 1, 1872, accommodating from 75 to 135 persons, mostly old men and old women, sent her by General Brown. Her own house not being large enough to meet the demands upon her, she rented an adjoining building, paying some of the rent and becoming responsible for the remainder. Mrs. Hardmond was by profession a nurse and midwife. She gave her entire time to her house of refuge, and in addition expended \$2,230 in securing additional nurses.

For all this service of herself and building she received in compensation only \$140. In 1880 she presented a claim to the Third Auditor of the Treasury, but he rejected it on the ground that there was no formal contract between Mrs. Hardmond and the officers of the Bureau of Refugees, remarking that "while her patriotism and her devotion to her race are worthy of the highest commendation, Congress alone has the power to say what should be the fitting reward." To this he added: "No executive officer has power to acknowledge as a public indebtedness a moral duty not coupled with a legal liability. Her claim is not within the jurisdiction of the accounting officers." The original claim was for \$8,930, but it has been reduced by the committee to \$4,840, on the following accounts:

Twenty-five dollars per month for the use of her own premises for a period of six years, amounting in all to the sum of	\$1,800
Also the further sum of \$160, shown to have been paid out by her to Mrs. Bailey for the use of the premises rented by her	160
Also the further sum of \$40 per month for her personal services in connection with the care of said indigent freedmen for a period of six years, from April 1, 1866, to April 1, 1872; in all.....	2,880
Total	4,840

ESTATE OF ALEXANDER W. BALDWIN.

To the legal representatives of the estate of Alexander W. Baldwin, late United States district judge for the district of Nevada, the sum of six hundred and twenty-four dollars and fifty-nine cents, the same being the internal-revenue tax illegally collected on his salary as said officer. **\$624.59**

First introduced in the Fiftieth Congress. Favorably reported to and passed by the Senate in the Fiftieth Congress (Report No. 2092), Fifty-first Congress (Report No. 595), and Fifty-third Congress (Report No. 193).

The proposition here is to refund money withheld from the salary of the late Alexander W. Baldwin, as United States district judge for the district of Nevada, as internal-revenue tax, from 1865 to 1869, the law under which the money was withheld being declared unconstitutional. A Treasury draft was drawn for the amount involved in 1873, but as no representative of Judge Baldwin could be located it was returned to the Treasury, being barred by section 3228 of the Revised Statutes. The draft called for and this bill provides for the payment of \$624.59.

BARKER, WILLIAMS AND BANGS.

To Barker, Williams and Bangs, Barker and Williams, W. W. and E. T. Williams, and W. W. Williams, the sum of three thousand eight hundred and thirty-six dollars and thirty-five cents, for work and labor done by them or any of them, and for loss or damage from, for moneys expended by them or any of them, or other thing whatever, in or about any of their work for the improvement of Saint Marys River and for the enlargement of Saint Marys Falls Ship Canal, all in the State of Michigan, under the direction of the Government of the United States.. **\$3,836.35**

First introduced in the Forty-third Congress. Favorably reported to and passed the Senate in the Fifty-second Congress. (Senate Report No. 587, Fifty-second Congress, first session.)

This is a claim for damages, occasioned by alleged losses incurred in carrying out a contract with the Government entered into October 8, 1870, to improve a certain portion of St. Marys River and to widen St. Marys Canal, both in the State of Michigan, and also for interest on borrowed money in prosecuting the work. It appears from reports of Engineers Poe and Noble that the original survey upon which the contract was based was "worthless," and that a subsequent survey by Major Poe was "hasty and incomplete, for the contractors were on the ground awaiting instructions, and he had neither men nor appliances for making a survey." It appears that by reason of these worthless and hasty surveys the work to be done, and which was actually done, by the contractors was much in excess of that provided for in the contract. Under the river and harbor act of 1875 the contractors were paid \$38,796.36, but there were certain claims which appear to be legitimate which were not met by this settlement. The claimants ask for \$12,564.03, including interest. The committee rejects the claim for interest, and allows the other claims, amounting to \$3,836.65.

C. J. BARONETT AND OTHERS.

To C. J. Baronett, of Gardiner, Montana, five thousand dollars for the bridge known as "Baronett's Bridge," over the Yellowstone River, and the approaches thereto, in Yellowstone National Park; to James C. McCartney, of Gardiner, Montana, three thousand dollars for certain buildings at or near Mammoth Hot Springs, in Yellowstone National Park, taken and used by the United States; to Matthew McGuirk, of Los Angeles, California, one thousand dollars for certain buildings at or near the said Mammoth Hot Springs, all of which were taken and used by the United States	\$9,000.00
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The Senate incorporated in the general deficiency appropriation bill of the second session of the Fifty-fourth Congress provision for the payment of all these claims.

The claimants in this instance located upon what was then public land, in the years 1870 and 1871, before the movement originated which resulted in the passage of the act of March 1, 1872, whereby these lands were embraced in the territory set apart and reserved from settlement as the Yellowstone National Park. It appears also that the structures for which compensation is provided in the bill were erected in good faith before the reservation of these lands. The regulations established by the Interior Department for the management of the park prohibited any person from remaining therein who had not a lease or permit from the Department. Applications for such leases were made by these beneficiaries, which, however, were not granted to them, and they were finally obliged to leave the park. The structures they had erected were taken by the Government and devoted to public use, for which no compensation has been allowed. The allowance of the compensation provided in this bill has been frequently recommended by the Secretary of the Interior in the annual reports of that Department, as well as in communications to the Senate Committee on Territories in answer to requests for information on the subject. Bills for the relief of these claimants were reported favorably by this committee at the third session of the Fifty-third Congress.

Capt. George S. Anderson, of the United States Army, acting super-

intendent of the park, writing of these claims in his annual report for 1895, says:

There are still three claims of private citizens for locations and improvements made within the park limits before the act of dedication. These claims have all been made the subject of special legislation introduced in Congress, but have not so far become laws.

The claim of Mr. J. C. Baronett is for a bridge built by him in 1871 over the Yellowstone River. The amount of the claim is \$5,000. I do not regard this figure as excessive, and I recommend that the passage of this act receive your approval.

Mr. James C. McCartney has also a claim for \$3,000 for improvements made at this point. It is reasonable and just, and I recommend it to your favorable consideration.

Mr. Matthew McGuirk has a claim for \$4,000. I do not believe his improvements were extensive enough to warrant the entire amount of this claim. I have considered the value of these improvements in a special report heretofore made to you. If his claim were reduced to a suitable amount, I would recommend that it receive your approval.

If these bills should pass and the parties receive a proper remuneration for their improvements, it would remove from the park limits the last vestige of proprietary interest.

The McGuirk claim has been reduced to \$1,000. (See Senate Report No. 810, first session Fifty-fourth Congress, and also Senate Executive Document No. 847, first session Fifty-second Congress.)

EMILE M. BLUM AND JAMES M. SEYMOUR.

To Emile M. Blum, the sum of five thousand dollars for services as commissioner-general to the international exposition at Barcelona, Spain, and to James M. Seymour, junior, the sum of two thousand five hundred dollars for services as assistant commissioner.....	\$7,500.00
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Favorable reports.—In the Senate: Fifty-first Congress (not printed); No. 696, Fifty-second Congress, and No. 1516, Fifty-fourth Congress. In the House: Nos. 3193 and 3912, Fifty-first Congress; Nos. 1609 and 1828, Fifty-second Congress, and No. 1838, Fifty-third Congress.

Passed the Senate in the Fifty-first and Fifty-second Congresses as an independent bill and the second session of the Fifty-fourth as an amendment to the general deficiency appropriation bill.

The intention is to partially reimburse the late commissioner-general to the Barcelona Exposition for the expenses incurred in connection therewith, by providing the payment of a salary of \$5,000 for his services, in view of the fact of his successful administration of the office, and that he was obliged to pay much more than that sum in order to prepare the United States sections and install the exhibits.

Assistant Secretary of State Wharton, in writing of the claim, May 8, 1890, said:

Mr. Blum was very energetic in the performance of his duties, and was highly commended by the American exhibitors for his services in their behalf. Out of the 76 manufacturers represented, 20 received gold medals, 19 received silver medals, 16 received bronze medals, and 9 received honorable mention. The number of American exhibitors was much greater than was expected at the time the appropriation of \$25,000 was made, and this sum proved inadequate to meet the increased expense. Mr. Blum met the extra expense out of his own funds, and now asks relief. The principal items of expense borne personally by Mr. Blum were those for advertising, traveling expenses incurred in visiting manufactories, and rent of furniture. The act of appropriation made no provision for a compensation for the commissioner, but this Department knows of no reason why compensation might not now be provided.

Secretary Blaine also indorsed the claim, saying:

Mr. Blum rendered the Government excellent service as its representative at the Barcelona exhibition and incurred legitimate expenses in his representative capacity which the appropriation was insufficient to meet.

Mr. James M. Seymour, jr., was appointed assistant commissioner, and sent over by the Department to the exposition in September, 1888,

after it was well under way, to examine into and report upon the mechanical exhibits, he being an expert. He was merely allowed his expenses, and the bill proposes to give him \$2,500 as a salary for his services.

WILLIAM E. BOND.

To William E. Bond, of Edenton, Chowan County, North Carolina, the sum of three hundred and seven dollars and forty-three cents..... \$307.43

First introduced in the Fifty-third Congress.

Favorable reports.—In the Senate: No. 917, Fifty-third Congress, and No. 550, Fifty-fourth Congress. In the House: No. 780, Fifty-third Congress.

Passed the House in the Fifty-third Congress and the Senate in the Fifty-fourth Congress.

William E. Bond was appointed October 1, 1888, as collector of customs for the district of Albemarle, in the State of North Carolina, and served for a term of four years. His duties were to be discharged at Edenton, and, there being no public building there belonging to the United States, he rented the most suitable place he could find for an office, where he could properly perform his work and preserve the books and records belonging to the Government. In doing this he continued the practice followed by his predecessor, except that the rent was only half as much as that paid for the room occupied by him during the previous term. When he made application to the Department for the allowance of the amount he had paid out for rent and fuel he was informed that the appropriation was insufficient, but he claims that he was not informed that it could not be allowed, and continued the payments from time to time while he held the office. An appropriation for the refunding of the money expended was recommended by Secretary Carlisle in 1895. The amount provided by this bill is \$307.43.

LEGAL REPRESENTATIVES OF JOHN W. BRANHAM.

To the legal representatives of John W. Branham, the sum of four thousand one hundred and sixty dollars, being the amount of his salary and allowances as assistant surgeon in the United States Marine-Hospital Service for two years \$4,160.00

First introduced in the Fifth-third Congress.

Favorable reports.—In the Senate: No. 997, Fifty-fourth Congress. In the House: No. 775, Fifty-third Congress, and Nos. 1350 and 2060, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress.

Dr. John W. Branham, an assistant surgeon of the United States Marine-Hospital Service, died of yellow fever while in the discharge of his duties at Brunswick, Ga., in 1893, and the purpose is to grant his heirs a sum equal to two years' pay. He was on duty at the port of New York when, in July, 1893, he was ordered to Brunswick by Supervising Surgeon-General Wyman, of the Marine-Hospital Service, to assume charge of the quarantine at the Georgia port. While at Brunswick and in the discharge of his duties he contracted the contagion and died from it. In a letter urging the justice of the claim, Dr. Wyman says:

He was chosen for this particular duty by reason of the fact that he was a native of Georgia, and therefore less likely to encounter the local prejudice which might be excited by the Government's assuming charge of this quarantine. A more important reason, however, was the fact that he had had previous quarantine experience, was a man of very unusual mental endowment, and with a marked stability of character and sound judgment, which made him particularly fitted for the trying position in which he was to be placed. Dr. Branham, as stated, assumed charge of the Brunswick quarantine on July 28, 1893; on August 10, 1893, his illness was reported to

the Bureau, and on August 20, 1893, he died of yellow fever, while attended by two regular officers of the Marine-Hospital Service. He leaves a wife and an infant child. The relief requested by this bill finds a precedent in the act of Congress, May 4, 1882, which grants to the families of keepers and surfmen in the Life-Saving Service an amount equal to two years' pay of said keeper or surfman in the event of death in the line of duty. I earnestly urge the passage of this bill, leaving it to others to give expression to the implied obligations upon the Government to relieve the wants of the wife and child of one who heroically faced a danger fully equal to that encountered by the soldier in time of war.

The sum suggested is \$4,160.

JOHN BREITLING.

To John Breitling, of Nebraska, the sum of seven hundred and thirty-eight dollars and twenty-five cents, for commissary stores furnished by him in the year eighteen hundred and sixty-two, at Clinton, in the State of Iowa, to United States troops then stationed at that place... **\$738.25**

Favorably reported to and passed the Senate in the Fifty-fourth Congress. (Senate Report No. 927, Fifty-fourth Congress, first session.)

The Twenty-sixth Regiment of Iowa Volunteer Infantry was organized at Camp Kirkwood, at Clinton, Iowa, in the summer of 1862, remained in camp or organization until October 20 of that year. John Breitling, the claimant, furnished bread rations for the regiment under the direction of Gen. N. B. Baker, adjutant-general of Iowa, and was paid to September 30, 1862. J. P. Bennett, assistant quartermaster, in the employ of the State of Iowa, had charge of furnishing rations thereafter, and continued ordering local rations from claimant from October 1, 1862, to October 20, 1862, after the regiment had been mustered into the service of the United States. The regiment numbered 900 men, and for the twenty days Breitling furnished 14,765 rations, which, at 5 cents each, gives \$738.25.

HEIRS OF JAMES BRIDGER.

To the heirs of James Bridger, deceased, the sum of six thousand dollars, for improvements made by him at Fort Bridger, Utah Territory, which were appropriated in eighteen hundred and fifty-seven by the United States Army, under command of Brigadier-General Albert S. Johnston. **\$6,000.00**

First introduced in the Forty-second Congress.

Favorable reports.—In the Senate: No. 790, Forty-seventh Congress; No. 21, Forty-eighth Congress; No. 625, Fifty-second Congress; No. 329, Fifty-third Congress; No. 80, Fifty-fourth Congress, and No. 66, Fifty-fifth Congress. In the House: No. 1771, Forty-sixth Congress; No. 1576, Fifty-second Congress, and No. 468, Fifty-fourth Congress.

Passed Senate in the Forty-eighth, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses.

Mr. Bridger was one of the earliest explorers and trappers of the Far West, and while engaged in that capacity erected in western Wyoming, in the year 1843, a trading post which was known as Fort Bridger, the premises inclosed embracing 3,893 acres. The improvements consisted of outer and inner stone walls, substantially built; one of them inclosing thirteen log houses, being 18 feet high and 5 feet thick, laid in cement, with bastions at each corner; corrals, outhouses, etc., in addition to residences.

In 1857 the United States army under command of Gen. Albert Sidney Johnston, comprising what was known as the Mormon expedition, took possession of this property, the Government making a lease on it and agreeing to pay a rental of \$600 per year when Bridger should establish his title to the land, the United States to have the

right of purchase at any time for \$10,000. Bridger claimed title to 5,000 acres of land through a grant from the Mexican governor of Upper California, the site of the post being then Mexican territory, but having lost his papers was unable to legally substantiate his claim to title. Consequently he received nothing from the Government for the use of the premises claimed by him, nor was the property ever restored to him.

He claimed that if he had not surrendered possession to the United States troops he could have perfected title, but that owing to the fact that he gave his time and attention to pioneering, acting as a guide much of the time, he was ignorant of the requirements, and lost opportunities which under other circumstances would have come to him. There is a question as to the value of the improvements on the land at the time General Johnston entered upon its possession. It is asserted by some of Bridger's witnesses that the log buildings were still standing, but Johnston stated that the Mormons destroyed all the improvements except the stone wall. Accordingly, provision is here made for payment only of the value of this wall, which was fixed at \$6,000 by Quartermaster-General Holabird in 1888, his report being printed in full in Senate Report No. 66 of the first session of the present Congress.

DR. S. A. BROWN.

To S. A. Brown, of Sioux Falls, South Dakota, the sum of four hundred and eighty-five dollars and forty-seven cents, for services as passed assistant surgeon, United States Navy, during the years eighteen hundred and seventy-six, eighteen hundred and seventy-seven, and eighteen hundred and seventy-eight, said account having been allowed by the Treasury Department.....	\$485.47
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Favorable reports.—In the Senate: No. 203, Fifty-fourth Congress, and No. 103, Fifty-fifth Congress. In the House: No. 1383, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth and Fifty-fifth Congresses.

This claim is explained by the following letter:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE NAVY DEPARTMENT,
Washington, D. C., January 23, 1896.

SIR: In reply to the request of Hon. R. F. Pettigrew, referred to me by your indorsement of the 22d instant for report on Senate bill No. 1573, "For the relief of Dr. S. A. Brown," I have the honor to report that his claim for sea pay on receiving ships, under the decisions of the United States Supreme Court in the cases of Symonds, Bishop (120 U. S., 47-51), and Strong (125 U. S., 656), was adjusted by the accounting officers of the Treasury May 22, 1889, and he was allowed the sum of \$485.47. There being no available appropriation for its payment, it was reported to Congress January 23, 1890. (House Ex. Doc. No. 144, Fifty-first Congress, first session, p. 136.)

The act approved September 30, 1890 (26 Stat. L., 504), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes," at page 544 prohibited the payment of any claim for sea pay on receiving ships, or for the payment of any claim which may have been allowed under the decisions of the Supreme Court, which have been adopted by the accounting officers as a basis for the allowance of said claims which accrued prior to July 16, 1880. Dr. Brown served on the receiving ship from May 29, 1876, to October 31, 1878. His claim having accrued prior to July 16, 1880, Congress failed to make provision for its payment.

Very respectfully,

WM. H. PUGH, Auditor.

THE SECRETARY OF THE TREASURY.

C. B. BRYAN & CO.

To C. B. Bryan and Company, of Memphis, Tennessee, the sum of three thousand six hundred and forty-three dollars and sixty cents, being for the value of a coal barge and sixteen thousand nine hundred and sixty-eight bushels of Pittsburg coal, as found by the Court of Claims..... **\$3,643.60**

First introduced in the Forty-sixth Congress.

Favorable reports.—In the Senate: Forty seventh Congress (not printed); No. 242, Forty-ninth Congress; No. 1083, Fifty-second Congress; No. 95, Fifty-third Congress; No. 417, Fifty-fourth Congress; No. 77, Fifty-fifth Congress. In the House: No. 2664, Fiftieth Congress; No. 1607, Fifty-first Congress; Nos. 809 and 2175, Fifty-second Congress; No. 512, Fifty-third Congress; Nos. 174 and 1799, Fifty-fourth Congress.

Passed Senate in the Forty-seventh, Forty-ninth, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses.

The provision in this case is for the payment to C. B. Bryan & Co., of Memphis, Tenn., of \$3,643.60, for the value of a coal barge and its cargo of coal. The barge was sunk in the Mississippi River, about 2 miles above Memphis, by the snag boat *De Russy*, owned by and in the service of the United States Engineer Department, on the 17th of November, 1879. The case was taken to the Court of Claims, which found the loss on the barge to be \$250 and on the coal with which it was laden \$3,393.60, making the total of the appropriation suggested \$3,643.60.

CATHERINE BURNS.

To Catherine Burns, of Annapolis, Maryland, the sum of seven hundred and one dollars and twenty-five cents, the amount due by the United States to her late husband, Louis Burns, deceased, for difference of pay and rations as mate on United States ship *Potomac* from April fourth, eighteen hundred and seventy-one, to July ninth, eighteen hundred and seventy-three, and heretofore allowed by the proper accounting officers of the Treasury Department, but not paid for want of an appropriation of money with which to pay the same..... **\$701.25**

Favorably reported to the Senate in the Fifty-fourth Congress (Senate Report No. 1287) and passed the Senate as an amendment to the general deficiency appropriation bill of the second session of that Congress.

This claim is made by the widow of Louis Burns, deceased, late a mate of the United States Navy, for difference of pay and rations while on the United States receiving ship *Potomac* from April 4, 1871, to July 9, 1873, under the decisions of the United States Supreme Court in the cases of Symonds, Bishop, and Strong. The claim was adjusted by the accounting officers of the Treasury Department in 1889, subsequent to Burns's death, when it was found that when Burns died the Government was indebted to him in the sum of \$701.25. There was, however, no appropriation from which the money could be paid, and the account is still unsettled.

JAMES AND EMMA S. CAMERON.

To James and Emma S. Cameron, the sum of ten thousand dollars, in full satisfaction and payment for occupation of her property and for fuel taken therefrom and used by General W. S. Rosecrans's army while at Chattanooga, Tennessee, from September, eighteen hundred and sixty-three, until the close of the war, and which amount of ten thousand dollars was found due by a special commission appointed by Major-General Rosecrans to adjust claims against the United States.. **\$10,000.00**

First introduced in the Forty-second Congress.

Favorable reports.—In the Senate: No. 128, Forty-second Congress; No. 237, Forty-third Congress; No. 487, Fifty-first Congress; No. 155,

Fifty-second Congress; No. 634, Fifty-fourth Congress, and No. 80, Fifty-fifth Congress. In the House: No. 1816, Fifty-first Congress; Nos. 550 and 888, Fifty-second Congress; No. 1116, Fifty-third Congress, and Nos. 241 and 1627, Fifty-fourth Congress.

Passed the Senate in the Forty-second, Fifty-first, Fifty-second, Fifty-fourth, and Fifty-fifth Congresses.

The appropriation suggested in this bill is \$10,000.

This claim arises out of the occupation of the property known as "Cameron Hill," in the suburbs of Chattanooga, and the use of fuel taken therefrom during the civil war. The place comprised about 37 acres, and was occupied as a home by the Camerons. The location was beautiful and commanding. About 34 acres of the estate were covered by fine forest trees and the remainder by the buildings and a small orchard and vineyard. In 1863, when the Union troops entered Chattanooga, they took possession of this property. The trees, including those in the orchard, were cut down and used for fuel, and the out-houses demolished and the grounds generally disfigured by the erection of earthworks. A commission, appointed by General Rosecrans, fixed the damages at \$20,000. There was no doubt of the loyalty of Mr. and Mrs. Cameron. Writing from City Point October 25, 1864, General Grant indorsed the claim in the following language:

I know the property within described, and the parties owning it, well. Mr. Cameron and his wife have been unflinching friends of the Government from the beginning of our troubles to the present day. There are no more thoroughly loyal people anywhere in the North, and they are entitled to protection and pay for their property converted to Government use. What is now known as Fort Cameron, Chattanooga, was the private property of Mr. Cameron. From its elevated and commanding position it had to be taken and fortified. By this means the entire property, with improvements, has been entirely destroyed for private use. I would recommend that the property be purchased at a fair valuation for Government use.

C. C. CARPENTER.

To Rear-Admiral C. C. Carpenter, the sum of one hundred and eleven dollars and sixty cents, the amount withheld from him for pilotage charges while in command of the Hartford by Department order of September twentieth, eighteen hundred and eighty-three..... \$111.60

Passed the Senate as an amendment to the general deficiency appropriation bill, second session, Fifty-fourth Congress.

HENRY T. CLARKE.

To Henry T. Clarke, of Omaha, Nebraska, the sum of two thousand nine hundred dollars, for the value and rent of buildings on the northwest quarter of the northwest quarter of section two, township thirteen, range thirteen, Fort Crook, Nebraska, and being the buildings on said land acquired by the United States by condemnation proceedings in the suit of the United States against Henry Zucher, in accordance with a proposition made by Henry T. Clarke to the Secretary of War on July twenty-ninth, eighteen hundred and eighty-nine, which said proposition was for the sale of land to the United States for a new Fort Omaha, now Fort Crook, and by which proposition all said buildings were retained by said Henry T. Clarke..... \$2,900.00

Passed the Senate as an amendment to the general deficiency appropriation bill of the second session of the Fifty-fourth Congress.

Following is a copy of the proposition of Mr. Clarke:

OMAHA, NEBR., July 29, 1889.

SIR: In compliance with your request that I change my proposition for the sale of lands near Bellevue for use of United States Government as a military post, have concluded to make you the following offer:

Will sell to the United States all the land owned by me in section 2, township 13

north, of range 13 east, in Sarpy County, Nebr., except a tract 10 chains wide along entire east side of said section, containing 80 acres, and the circular strip for railroad track of 4 acres in northwest part of section 2, leaving of my land in section 2, 441.11 acres (see plat), for the sum of \$57,400, and will guarantee to obtain for the United States the remainder of the land, aggregating 60.56 acres in section 2 lying due north of land offered above, at rate of \$132.50 per acre; providing that if said land can not be purchased at a reasonable price that you will cause same to be condemned, and I will agree to pay or contribute any amount that may be found that the owners of the said 60.58 acres are entitled to in excess of \$132.50 per acre. This proposition does not include the buildings on lands in said section 2.

Will bind myself, as soon as purchase is made, to give the United States a perpetual right of way across the NW. $\frac{1}{4}$ of sec. 11, T. 13, R. 13, to erect such sewers, drains, and water pipes as may be required, providing they are placed 3 feet under ground.

My former proposition to furnish the United States Government 25,000 gallons of water per annum at the new post on sec. 2, T. 13, R. 13, for \$3,250 a year for a term of years, or to build a system of waterworks at that place with daily capacity of 100,000 gallons, for the United States Government, for the sum of \$10,000, still remains good.

Respectfully submitted.

H. T. CLARKE.

Hon. REDFIELD PROCTOR,
Secretary of War, Washington, D. C.

L. ROBERT COATES & CO.

To L. Robert Coates and Company, of Baltimore, Maryland, the sum of five thousand two hundred and seventy-three dollars and thirty cents, in payment of the bill of said firm for steel plates furnished for and which were used in the construction of the United States light-house steamer *Zizania* \$5,273.30

First introduced in the Fifty-fourth Congress.

Favorable reports.—In the Senate: Report No. 1064, Fifty-fourth Congress, and No. 71, Fifty-fifth Congress. In the House: Reports No. 735 and 2364, Fifty-fourth Congress.

Passed the Senate in both Congresses.

It appears from the record of this case that in February, 1887, the firm of Ramsay & Son entered into a contract with the United States to build a twin-screw steamer for the use of the Light-House Board to be named the *Zizania*. The work was to be completed in seven months, and in case of failure the Government reserved the right to retain as a penalty and forfeit the sum of \$35 for every day's delay beyond that time, and all unpaid balances of the fund, whether due or not, at the time of the forfeiture. Ramsay & Son, after undertaking to build this steamer, made a contract with the claimants to furnish the steel plates to be used in its construction. The vessel was not completed within the time required by the contract, and Coates & Co., of Baltimore, Md., having in February, 1888, delivered a portion of the plates, were unwilling to complete their contract until they had some proper assurance that the plates would be paid for when furnished and delivered. Thereupon Ramsay & Son authorized them to collect the amount of their contract out of the final payment that would be due them from the Government on the completion of the *Zizania*. When they called upon the Secretary of the Navy they were assured that they would be paid. Ramsay & Co. failed to complete the steamer within the time specified, and the Navy Department insisted upon the forfeiture provided in the contract. This forfeiture exhausted the money left of the appropriation, except \$726.70, and the Navy officials, ignoring their former promise to Coates & Co. on the plea that it was made contingent upon the terms of the contract, refused to pay their claim of \$6,000. The courts decided that this firm was entitled to the unforfeited remainder of the appropriation. The payment of this amount left \$5,273.30 still unpaid, and this is the amount the payment of which is herein provided for.

MARY A. COULSON.

To Mary A. Coulson, executrix and sole legatee of Sewell Coulson, deceased, late of Sullivan, Indiana, the sum of three thousand nine hundred and fifty dollars, being the amount due for professional services of the said Sewell Coulson rendered as an attorney at law, the said services being the defense of sundry actions instituted and prosecuted against a military officer and men of his command in the Indiana State courts and the United States circuit courts within and for the district of Indiana for act done by them while in the discharge of their duty and in obedience to orders emanating from the authority of the United States Government during the late civil war \$3,950.00

First introduced in the Forty-seventh Congress.

Favorable reports.—In the Senate: No. 101, in the Forty-ninth Congress; No. 953, in the Fiftieth Congress, and No. 93, in the Fifty-first Congress. In the House: No. 1755, in the Forty-seventh Congress; No. 2498, in the Forty-ninth Congress, and No. 345, in the Fifty-first Congress.

Passed the Senate in the Forty-ninth Congress.

This claim is for services rendered by Mr. Coulson, the husband of the claimant, as attorney for Samuel McCormick, captain of a company of State militia organized and stationed in Sullivan County, Ind., during the late civil war, and several members of his company. This company was frequently called upon by the provost-marshal of the district to aid in enforcing the laws of the United States, and in preventing opposition to the drafts or uprisings of the people to resist the drafts. In February, 1866, five civil suits were commenced against Captain McCormick and his men, in the Sullivan circuit court, to recover damages for false imprisonment in cases where they had made arrests under and in pursuance to orders from Gen. A. P. Hovey, in command of the district of Indiana, R. W. Thompson, captain and provost-marshal, and Daniel Conover, captain and provost-marshal, both of the Seventh Congressional district of Indiana, accompanied by orders from Maj. Gen. James Hughes, in command of the State militia. At the same term of the Sullivan circuit court the grand jury returned an indictment against the same men, charging them with grand larceny for seizing two kegs of powder found concealed, and which were undoubtedly procured and intended to be used in opposing the Government of the United States.

Mr. Coulson defended Captain McCormick and his codefendants in the State and Federal courts, the cases continuing to require attention for about three years. His original charge was \$4,500, but the State of Indiana paid him \$550, leaving \$3,950, the amount here provided, unpaid. The payment of the claim was recommended by Hon. W. R. Belknap while Secretary of War, but it was rejected by the Third Auditor on the ground that Mr. Coulson was not employed under any order or other authority emanating from the Secretary of War.

WILLIAM H. CROOK.

To William H. Crook the sum of four thousand dollars, as compensation for services as secretary to the President to sign land patents for the fiscal years of eighteen hundred and seventy-nine, eighteen hundred and eighty, eighteen hundred and eighty-one, and eighteen hundred and eighty-two, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent \$4,000.00

First introduced in the Forty-seventh Congress. Favorably reported to the Senate in the Forty-seventh, Forty-eighth, Forty-ninth, and Fifty-fourth Congresses, and first session of the Fifty-fifth Congress;

favorably reported to the House in the Forty-seventh, Forty-eighth, Forty-ninth, Fifty-first, and Fifty-fourth Congresses. (See reports—Senate: No. 350, Forty-seventh Congress; No. 144, Forty-eighth Congress; No. 39, Forty-ninth Congress; No. 370, Fifty-fourth Congress, and No. 146, Fifty-fifth Congress. House: No. 1179, Forty-seventh Congress; No. 2112, Forty-eighth Congress; No. 3698, Forty-ninth Congress; No. 807, Fifty-first Congress, and No. 2669, Fifty-fourth Congress.) Adversely reported to the Senate in the Fiftieth Congress, and to the House in the Fifty-third Congress. (Senate Report No. 787, Fiftieth Congress, and House Report No. 736, Fifty-third Congress.)

Passed the Senate in the Forty-eighth and Fifty-fourth Congresses.

By the act of July 4, 1836 (Rev. Stat., sec. 450), Congress authorized the President to appoint a secretary with the title of "secretary to the President to sign land patents," at a salary of \$1,500 per annum. This officer was continued down to 1878, having no other duty imposed upon him except to sign, in the President's name, the patents issued by the Government on the sales and grants of public lands. By act of June 20, 1878 (20 Stat. L., p. 183), the appropriation for payment of the salary of this officer was omitted, and the President was directed to designate one of his executive clerks to perform the duty of signing land patents.

Mr. William H. Crook was then, and had been since 1871, an executive clerk, acting as disbursing officer of the Executive Mansion, and also in charge of the reception room. All of these duties he has continued to perform, and in addition he was designated by the President, July 1, 1878, as secretary to sign land patents, and after that time all the patents issued on sales and grants of public lands passed under his hand. The salary was restored and a clerk appointed by act of July, 1884 (23 Stat. L., p. 185), and since that time the appropriation continued and a regular clerk at \$1,200 per year employed for that purpose only. The number of patents issued since July 1, 1878, has averaged about forty thousand each year, and has steadily increased. The labor in executing has been very onerous, each patent having two signatures attached, and all having to be checked off and accounted for. On account of his regular duties at the Executive Mansion, Mr. Crook was compelled to perform most of this extra work of signing patents out of office hours.

HEIRS OF JACOB R. DAVIS.

To the heirs of Jacob R. Davis the sum of one thousand five hundred dollars, as full compensation for services by the said Jacob R. Davis, deceased, rendered as agent and judge of the Freedman's Bureau at Augusta, in the State of Georgia, from June first, eighteen hundred and sixty-six, to June first, eighteen hundred and sixty-seven, inclusive.. \$1,500.00

First introduced, Forty-second Congress. Favorably reported to the Senate in the Fifty-fourth Congress and the first session of the Fifty-fifth Congress; to the House in the Forty-second and Fifty-second Congresses. (See Senate Reports No. 397, Fifty-fourth Congress, and No. 148, Fifty-fifth Congress, and House Report No. 1549, Fifty-second Congress.) Adversely reported to the Senate in the Forty-second Congress (Report No. 258), and also in the Fifty-second Congress. (See Senate Report No. 1238, Fifty-second Congress.)

Passed the House in the Forty-second Congress and the Senate in the Fifty-fourth.

It appears from the evidence that Jacob R. Davis was appointed, on the 26th of December, 1865, agent of the Freedmen's Bureau for Rich-

mond County, Ga. The testimony shows that he received compensation in fees up to the 1st of June, 1866, when the Department rescinded the order for his compensation from fees, but he was directed to continue to discharge the duties of the office of agent of the Freedmen's Bureau from the 1st of June, 1866, to the 1st of June, 1867, for which he has received no compensation whatever. On the 1st of June, 1867, he was commissioned by the Department, with a salary at the rate of \$125 per month, and he continued in office, receiving this salary until April, 1868. The evidence before the committee shows that during the whole time Mr. Davis had discharged the duties of the office. The reason assigned by General Howard why Davis was not paid for the period from June 1, 1866, to June 1, 1867, was that there was no law appropriating that amount from the Treasury.

REPRESENTATIVES OF MARK DAVIS, DECEASED.

To the personal representatives of Mark Davis, deceased, for the use of his residuary legatees named in his last will and testament, or their heirs or assigns, the sum of twenty-one thousand eight hundred and twenty-eight dollars and thirty-three cents, being the amount and value of the promissory notes and cash belonging to said Mark Davis seized by order of General Banks at New Orleans during the war of the rebellion..... \$21,828.33

First introduced in the Forty-second Congress. Favorably reported in the Senate in the Forty-second, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses; in the House in the Forty-second, Forty-third, Forty-fourth, Fifty-first, Fifty-second, and Fifty-third Congresses.

Reports.—Senate: No. 511, Forty-second Congress; No. 516, Fifty-second Congress; No. 283, Fifty-third Congress; No. 706, Fifty-fourth Congress, and No. 73, Fifty-fifth Congress. House: No. 319, Forty-third Congress; No. 88, Fifty-first Congress; No. 33, Fifty-second Congress, and No. 511, Fifty-third Congress.

Passed the Senate in the Fifty-second and Fifty-fifth Congresses and the House in the Forty-second and Fifty-first Congresses.

This claim is for property of the claimant located in the city of New Orleans, which was seized by order of General Banks in 1863. The property consisted of cash, notes of hand, and real estate, from which the Government realized \$21,828.33. In October, 1865, the real estate, but no other portion of the property taken, was restored to its owner. The following brief explanation is quoted from a report (House Report No. 3333) made to the Forty-ninth Congress:

The petition and proofs show that Mark Davis, now deceased, came to the United States from England at the age of 23 years, and, becoming a naturalized citizen, took up his residence in the city of Petersburg, Va. For many years prior and up to about the year 1843 he was actively engaged in business as a merchant in Petersburg and in New Orleans. About the year 1843 he retired from active business, continuing to live in Petersburg upon the income derived from his property, which was largely invested in business real estate in the best business portion of the city of New Orleans, and up to the breaking out of the war of the rebellion furnished him an ample income. During the war his age and infirmity were such that, although residing in an insurgent State, he was not called upon to in any way render aid or comfort to the Confederacy. He did not at any time take part, directly or indirectly, in the rebellion, but was enabled to remain loyal in spirit and in act to the Government. As soon as possible after the close of the war, believing that possibly his mere residence in a hostile country during the rebellion might constitute such constructive adhesion to the Confederacy as to render a pardon necessary and proper, he applied for such pardon, and the same was issued to him July 29, 1865.

HEIRS OF PETER DELLA TORRE.

To Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased, late district attorney of the northern district of California, the sum of ten thousand dollars, for extraordinary services rendered by said Peter Della Torre during the years eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, and eighteen hundred and fifty-nine in defending the title of the United States to public property in the State of California..... \$10,000.00

First introduced in the Forty-seventh Congress. Favorably reported to the Senate in the Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, and Fifty-second Congresses.

Reports.—Senate: No. 311, Forty-eighth Congress; No. 160, Forty-ninth Congress; No. 33, Fiftieth Congress; No. 495, Fifty-first Congress, and No. 301, Fifty-second Congress.

Passed the Senate in the Forty-ninth, Fiftieth, and Fifty-first Congresses.

This claim for relief is for extraordinary professional services performed by Peter Della Torre, deceased, while he was district attorney of the United States for the State of California during the years 1857, 1858, and 1859, in defending the title of the United States to public lands against fraudulent claims set up under pretended Mexican grants. The papers in the case show that Mr. Della Torre performed valuable services to the United States in defending against these claims, for which he has received no compensation, and that while performing those services he was given to understand by Attorney-General Black and Mr. Stanton, who were acting for the United States in resisting these fraudulent land claims, that the Government would compensate him. Prior to the appointment of Mr. Della Torre a number of suits had been commenced and were pending within the northern district of California, in which the United States was a party, involving title to considerable tracts of valuable lands, claimed by parties under prior grants from the Mexican Government; and other suits of similar character were commenced during his term of office. Some of these suits were disposed of during his term, and many of them were still pending when he resigned. The origin, character, and history of this litigation are given in House Executive Document No. 84, first session Thirty-sixth Congress.

Among the papers bearing upon the case is the following:

WAR DEPARTMENT,
Washington City, January 23, 1867.

DEAR MADAM: Your recent note was duly received. Mr. Bidwell informs me that he has received and filed with the committee a statement of the cases conducted by Colonel Della Torre. I have made an application to the committee to permit me to appear before them and give my testimony in relation to the valuable services of the Colonel and the justice of his claim. I shall do all in my power to bring the case to a favorable and speedy determination, and shall not cease in my interest and anxiety for the welfare of yourself and your children.

With sincere regard, I am ever, truly, yours,

EDWIN M. STANTON.

Mrs. DELLA TORRE.

It is claimed that the property recovered to the United States by Mr. Della Torre's efforts amounted to 19,148 square miles, valued in 1861 at \$150,000,000.

MARTHA E. FLESSCHERT.

To Martha Elizabeth Flesschert, née Stevenson, of Saint Louis, Missouri, the sum of two hundred and twelve dollars and fifty cents, for services rendered by her as hospital matron in and for the One hundred and thirtieth and One hundred and seventeenth Regiments of Illinois Volunteers for seventeen months, from October, eighteen hundred and sixty-two, to March, eighteen hundred and sixty-four \$212.50

First introduced in the Fiftieth Congress. Favorably reported to the Senate in the Fifty-first Congress and to the House in the Fiftieth and Fifty-second Congresses (Senate Report No. 1964, Fifty-first Congress, and House Reports No. 3749, Fiftieth Congress, and No. 1497, Fifty-second Congress).

Passed the House in the Fiftieth Congress and the Senate in the Fifty-first Congress.

The claim is for services rendered by Martha E. Flesschert as hospital matron for the One hundred and seventeenth Regiment of Illinois Volunteers from October 18, 1862, to March, 1864. The proof filed in support of the bill shows that the claimant served continuously as hospital matron to the above-mentioned regiment for seventeen months, and that she has not been paid for her services. Claim stated at \$212.50.

CLARA A. GRAVES AND OTHERS.

To Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee as legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, the sum of two thousand three hundred and seventeen dollars and seventy-seven cents, being their father's and grandfather's portion of prize money as first lieutenant of the brig *Warrior*, due and unpaid on or about July seventeenth, eighteen hundred and fifteen \$2,317.77

First introduced in the Fifty-second Congress. Favorably reported to the Senate in the Fifty-second, Fifty-third, and Fifty-fourth Congresses, and first session of the Fifty-fifth Congress; to the House in the Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Reports.—Senate: No. 1336, Fifty-second Congress; No. 165, Fifty-third Congress; No. 292, Fifty-fourth Congress, and No. 27, Fifty-fifth Congress. House: No. 2391, Fifty-second Congress; No. 1511, Fifty-third Congress, and No. 1936, Fifty-fourth Congress.

An adverse report, which was not printed, was made on the bill covering this claim in the Fifty-second Congress, but it was recommitted and a favorable report made later in the Congress. Passed the Senate in the Fifty-third, Fifty-fourth, and Fifty-fifth Congresses.

This claim is for prize money, and dates back to the year 1815, the claimants being grandchildren of Lewis Smith, who during the last war with Great Britain was first lieutenant on the brig *Warrior*, which in March, 1815, captured a British vessel called the *Dundee*, laden with a valuable cargo and manned by British subjects. The time of the capture not being within the limitations or provisions of the treaty of peace between the United States and Great Britain signed at Ghent on the 24th day of December, 1814, the brig and cargo became a prize to the captors.

The brig, with her cargo, was brought into the port of New York for adjudication. A libel was filed in the district court of the United States in behalf of the owners, officers, and crew of the *Warrior* against the *Dundee*, and another against her cargo, consisting of packages, bales, and cases of merchandise. The court ordered the *Dundee* and her cargo to be sold. A sale took place in pursuance of the order, and the proceeds of sales were paid into court by the marshal of the district. The clerk of the court absconded with the funds, and although he was captured and some of the money restored to the Treasury, the officers and crew of the *Warrior* failed to secure any share of it. Lieutenant Smith's portion of the proceeds would have been \$2,317.77, which amount is here allowed to his heirs.

THOMAS GUINEAN.

To Thomas Guinean, of Oregon, the assignee of Bradley S. Hoyt, deceased, of California, the sum of one hundred and sixty dollars, paid the United States by said Hoyt on account of land entry at Shasta, California, and which entry was subsequently canceled \$160.00

First introduced in the Forty-eighth Congress. Favorably reported to the Senate in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses; to the House, in the Fifty-second and Fifty-third Congresses.

Reports.—Senate: No. 229, Fiftieth Congress; Nos. 867 and 1486, Fifty-fourth Congress; and No. 149, Fifty-fifth Congress. House: No. 3432, Fiftieth Congress; No. 380, Fifty-second Congress; and No. 717, Fifty-third Congress.

Passed the Senate in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congress.

The proposition in this case is to refund to Guinean \$160 paid on a desert-land entry in the Shasta (California) land district by Bradley S. Hoyt in 1877, the entry having been assigned to Guinean. The General Land Office, upon a contest, declared that the land was not subject to entry under the desert land laws. The Committee on Public Lands, in a report made to the Fiftieth Congress, said of the claim:

So far as it appears there was in the case no intended fraud upon the Government and that both Hoyt and the claimant acted in good faith. As the statute necessarily, defines desert lands in general terms only, what are desert lands is a matter of opinion, upon which persons may honestly differ. In the opinion of your committee the equities of this case are equal to those in other cases of a similar character in which Congress has granted relief, and your committee recommend that the bill do pass.

CALVIN GUNN.

To Calvin Gunn, of Saint Louis, Missouri, the sum of seven hundred dollars, due him as informer, and ordered to be paid to him by the United States district court for the eastern district of Missouri, in case numbered thirteen hundred and eighty-seven before said court, in the year eighteen hundred and sixty-eight \$700.00

First introduced in the Forty-seventh Congress. Favorably reported to the Senate in the Fifty-first, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses, and to the House in the Forty-ninth, Fifty-first, and Fifty-third Congresses, and twice in the Fifty-fourth Congress.

Reports.—Senate: No. 1307, Fifty-first Congress; No. 346, Fifty-third Congress; No. 201, Fifty-fourth Congress; and No. 51, Fifty-fifth Congress. House: No. 998, Forty-ninth Congress; No. 3977, Fifty-first Congress; No. 999, Fifty-third Congress; and Nos. 397 and 1684, Fifty-fourth Congress.

Passed the Senate in the Fifty-first, Fifty-fourth, and Fifty-fifth Congresses.

In a letter to Hon. William Warner, dated March 5, 1886, Secretary Daniel Manning explained the origin of this case. "It appears from papers on file in this office," he said, "that on January 5, 1880, two applications were received from Calvin Gunn asking that informers' shares in two cases be paid to him under section 179 of the act of June 30, 1864 (13 Stat. L., 305), as amended by the act of July 13, 1866 (14 Stat. L., 145), which prescribed that the person who should first inform of the cause, matter, or thing whereby a fine, penalty, or forfeiture should be recovered by the Government should have such share of the same, 'not exceeding one moiety nor more than five thousand dollars in any one case,' as the Secretary of the Treasury should, by general regulations, provide. Under this authority the Secretary of the Treasury

issued a circular, August 14, 1866, in which he prescribed that the share of an informer should be 50 per cent on the first \$500, 40 per cent on the next \$1,500, 30 per cent on the next \$2,000, etc."

Mr. Manning states also that there were two cases tried in the district court for the eastern district of Missouri in which Gunn would have been entitled to a moiety—in one amounting to \$1,130.78, and in the other to \$226.39. In the latter case, however, Collector Able turned in only the Government's share, while in the former he accounted for only \$700 in excess of the amount to which the Government was entitled, retaining \$430.78. Gunn states that he did not receive any of the portion of the amounts thus withheld. Allowance is made here, however, only for the payment to him of the \$700, which, according to Mr. Manning's statement, was received by the Treasury in excess of its dues.

LOUISA S. GUTHRIE.

To Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased, formerly a lieutenant in the United States Navy, the sum of ninety-six dollars and eighty-four cents, balance of pay due said John J. Guthrie up to and including July fifteenth, eighteen hundred and sixty-one, and also the further sum of one hundred and twenty-two dollars and seven cents, the share of prize money awarded to him from the prize ship *Nightingale*, captured on the twenty-first of April, eighteen hundred and sixty-one, as a slaver, off the west coast of Africa, by the United States ship *Saratoga*, to which the said Lieutenant John J. Guthrie was then attached; and that the said Louisa S. Guthrie be relieved from the payment of the sum of five hundred dollars charged upon the books of the Fourth Auditor's Office of the Treasury Department against the said Lieutenant John J. Guthrie, as cash received by him from the paymaster of the United States ship *Saratoga*, upon his requisition as lieutenant in command of the prize ship *Nightingale*; and also relieved from the payment of the sum of one hundred and eighty-four dollars, overpaid allotment, which sum likewise remains charged upon the books of the Fourth Auditor's Office of the Treasury Department against the said Lieutenant John J. Guthrie, deceased...

\$218.91

Favorable reports.—In the Senate: No. 801, Fifty-second Congress, and No. 704, Fifty-fourth Congress. In the House: No. 720, Fifty-second Congress, and No. 1009, Fifty-third Congress.

Passed the Senate in the Fifty-second and Fifty-fourth Congresses.

Mrs. Guthrie is the widow and executrix of John J. Guthrie, deceased, formerly a lieutenant in the United States Navy. On April 21, 1861, Lieutenant Guthrie was attached to the U. S. S. *Saratoga*, which captured off the west coast of Africa the slave ship *Nightingale*, containing 1,000 natives, and was assigned as prize master to the command of the captured vessel, for the purpose of bringing her to the United States and delivering her to the civil authorities, after having first turned over the natives to the agent of the United States at Monrovia. The sum of \$500 was transferred by the paymaster of the *Saratoga* to Lieutenant Guthrie, as prize master and acting paymaster of the captured vessel, for the purpose of defraying the incidental expenses necessarily involved in the discharge of the special duties thus intrusted to him, including the provisioning of the vessel for the homeward voyage. These duties were faithfully performed, and the vessel was transferred to the custody of the United States marshal at New York on arrival at that port, June 15, 1861. In the confusion and excitement caused by the war of the rebellion, which had then recently commenced, Lieutenant Guthrie failed to take proper steps for the settlement of his accounts, and the sum of \$500 therefore remained, and still remains, a charge against him on the books of the Fourth Auditor as cash advanced to

him as prize master of the *Nightingale* by the paymaster of the U. S. S. *Saratoga*.

On the 13th of July, 1861, Lieutenant Guthrie resigned from the service of the United States, and there was then due him a balance of pay, besides his share in the prize money which had accrued from the capture of the *Nightingale*, the award to Lieutenant Guthrie, as an officer concerned in such capture, being the only one which remains unpaid.

The petitioner therefore asks that the charge of \$500 may be canceled and that the balance of pay and his share of prize money, which were due July 13, 1861, may be paid to her as the widow and executrix of John J. Guthrie.

JOHN M. GUYTON.

To John M. Guyton, former postmaster at Blacksburg, South Carolina, the sum of four hundred and eighty-four dollars and seventy-nine cents, being the amount deposited by him to cover a deficiency arising in his office in the year eighteen hundred and ninety, which deposit was made to meet a loss by the embezzlement by a clerk on or about the thirtieth day of January, eighteen hundred and ninety, without blame or fault on the part of the said John M. Guyton.....

\$484.79

First introduced in the Fifty-third Congress. Favorably reported in the Senate in the Fifty-fourth and Fifty-fifth Congresses, and in the House in the Fifty-fourth Congress.

Reports.—Senate: No. 782, Fifty-fourth Congress, and No. 48, Fifty-fifth Congress. House: No. 1853, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress.

Mr. Guyton was postmaster at Blacksburg, S. C., in January, 1889, when James H. Goss, one of his assistants, was arrested on a charge of embezzling registered letters containing funds to the amount of \$700.79. On trial he fully admitted his guilt, pleaded guilty, and was sentenced to imprisonment for one year, surrendering the sum of \$216. Guyton paid the balance, amounting to \$484.79. Mr. Guyton claims that although he believed himself not to be liable for the amount stolen by Goss, yet he was led to pay the same through representations of the post-office inspector who investigated the case, the said representations, Guyton asserts, amounting practically to a threat that he would lose his office if he did not make the loss good to the Government.

In a letter to Guyton, dated February 21, 1894, John L. Thomas, Assistant Attorney-General for the Post-Office Department, said:

There is room for doubt whether you could have been compelled to pay the said amount by any legal process; but your letters on file in the Department show that your action in so doing was a voluntary one. Whether it was voluntary or not is not now material, so far as the claim on the Department for reimbursement is concerned. The money paid by you has long since been refunded to the legal owners, and there is no appropriation at the service of the Department from which you could be reimbursed, even were there authority of law for such reimbursement, and I am unable to find that any such authority exists.

Provision is here made for refunding the \$484.79 paid into the Department by Guyton on account of Goss's embezzlement.

W. L. HALL.

To W. L. Hall, the sum of one hundred and seventy-eight dollars, for money expended by him in the discharge of his duty as deputy United States internal-revenue collector during the fiscal year ending June thirtieth, eighteen hundred and ninety

\$178.00

First introduced in the Fifty-third Congress. Favorably reported to the Senate in the Fifty-fourth Congress. (See Senate Report No. 851, Fifty-fourth Congress.)

Passed the Senate the same Congress.

The claimant, W. L. Hall, performed services as deputy collector of internal revenue for the district of Nebraska during the fiscal year ended June 30, 1890, for which his legal compensation amounted to \$728.37. He was paid \$549.50 and no more, leaving a balance due him from the Government of \$178.87, according to his statement of account. The Commissioner of Internal Revenue has indorsed the claim.

A. H. HERR.

To the estate of A. H. Herr, deceased, late of the District of Columbia, the sum of seventeen thousand two hundred and eighty-eight dollars and fifty-three cents, allowed the estate of A. H. Herr by the Secretary of War for the use of his premises, known as Herrs Island, near Harpers Ferry, by the Army during the late war..... \$17,288.53

First introduced in the Forty-second Congress. Favorably reported to the Senate in the Fifty-first, Fifty-second, and Fifty-fourth Congresses, and to the House in the Forty-eighth, Fifty-first, Fifty-second, and Fifty-fourth Congresses.

Reports.—Senate: No. 991, Fifty-first Congress; No. 95, Fifty-second Congress, and No. 510, Fifty-fourth Congress. House: No. 153, Forty-eighth Congress; No. 2617, Fifty-first Congress; No. 463, Fifty-second Congress, and No. 696, Fifty-fourth Congress. Adversely reported to the Senate in the Forty-eighth Congress (see Senate Report No. 1518, Forty-eighth Congress, second session).

Passed the House in the Forty-eighth Congress; passed the Senate in the Fifty-first and Fifty-second Congresses as an independent bill, and in the Fifty-fourth Congress as an amendment to the general deficiency appropriation bill.

The claim is for the use and occupation of Herrs Island, near Harpers Ferry, W. Va., by Federal troops from February, 1862, to February, 1866. The property in question was a valuable estate, embracing 12 acres of land, 32 dwelling houses, a large four-story cotton factory building, a large iron foundry, sawmill, and many outbuildings, and was all occupied at various times during the period named and under control of acting quartermasters in the United States Army. Mr. Herr, the owner of the property, was a loyal citizen, who for his loyalty suffered imprisonment at the hands of the Confederates, and many other vexations, besides great destruction of property. The amount here allowed, \$17,288.53, is the sum awarded in this case by a board designated in 1866 to report upon the condition of this and other property which had been used by the Federal troops, and to determine what sum would be necessary to put it in the condition it was in before thus taken possession of.

The counterclaim was then set up in the War Department that it would have been impossible to operate the industrial enterprises on the estate during the war, and that its occupancy by the Union troops was a real protection against the enemy. The claim was bandied about between the various authorities in the War and Treasury Departments for several years. A proposition to settle for \$6,886.25 was once made by Acting Quartermaster-General Rucker, but Mr. Herr refused the offer. The bill has been before Congress for several years. There has been but one unfavorable report. This was made to the Forty-eighth Congress, and was based upon the theory that the occupation of the property was a protection to it.

JULIA A. HUMPHRIES.

To Mrs. Julia A. Humphries, the sum of five thousand two hundred and fifteen dollars, as indemnification for property taken by the United States Army for hospital purposes at Fredericksburg, Virginia, and for damages suffered at the hands of the Union forces, and for services rendered as hospital nurse during the war of eighteen hundred and sixty-one..... \$5,215.00

First introduced in the Fiftieth Congress. Favorably reported to the Senate in the Fifty-fourth and Fifty-fifth Congresses, and to the House in the Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Reports.—Senate: No. 193, Fifty fourth Congress, and No. 162, Fifty-fifth Congress. House: No. 4043, Fifty-first Congress; No. 149, Fifty-second Congress; No. 574, Fifty-third Congress; Nos. 408 and 702, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress.

Mrs. Julia A. Humphries, the claimant in this bill, was a resident of Fredericksburg, Va., during the late war. In May, 1864, her house and store were used by the Federal Army for hospital purposes, and the stock of goods, mostly groceries and provisions, which were there for sale, were taken by the soldiers and used for the sick. The repairs to the house and store, made necessary by this occupancy, amounted alone to \$1,200. During the siege of Fredericksburg, Va., in 1862, Mrs. Humphries lost everything she possessed, except some few securities, by the shelling and subsequent pillage of her home by the Federal troops, her losses then, in addition to her subsequent losses, amounting to \$3,000. It is shown by the evidence that the claimant's total loss from both occurrences was about \$12,200. The storehouse was dismantled of its shelving and other furniture and used by the United States troops for hospital purposes. The claimant opened her dwelling house for such hospital use, aiding and assisting, both herself and by her servants, in the care of the sick and wounded, and boarding and lodging the medical staff employed in the hospital without compensation. The store being a rented building, the claimant was compelled to pay to her landlord the sum of \$1,200 for damages and use by the Government. Mrs. Humphries was loyal to the Union. The bill allows her \$5,215.

JOHN W. KENNEDY.

To John W. Kennedy, of Wheeling, West Virginia, the sum of one thousand five hundred dollars, for services rendered by him as counsel for the United States in the ejectment cause of Jacob B. Brown, versus Daniel J. Young, in connection with the Government property at Harpers Ferry, West Virginia, which said suit was lately pending in the circuit court of the United States at Parkersburg, West Virginia..... \$1,500.00

First introduced in the House in the Forty-ninth Congress.

Favorable reports.—In the House: No. 3700, Fiftieth Congress; No. 2510, Fifty-first Congress; No. 838, Fifty-second Congress; No. 1353, Fifty-third Congress.

This claim passed the House in the Fifty-third Congress and also the Senate. When it reached the Senate from the House it was taken up and passed without being referred to a committee. The President failed to sign the bill, hence it did not become a law.

In 1868-69 the Government was involved in sundry suits in the circuit court of Jefferson County, in the State of West Virginia. One of these cases, that of Jacob B. Brown v. Daniel I. Young, was an action of ejectment which called in question the title of the United States to certain property lying along the Potomac from a point on the river at Har-

pers Ferry to and including a point on said river above the Government dam. As this property was of great value, a test case was made of the Brown and Young case, and it was removed from the State court to the circuit court of the United States, sitting at Parkersburg, W. Va. Before and at the time of its removal Col. Benjamin H. Smith, of Kanawha, was the United States district attorney for the district of West Virginia. He had the entire control of this case, and had associated with him Maj. E. W. Andrews, a lawyer resident at Harpers Ferry, and to him he intrusted the preparation of the case. Major Andrews had charge of all the cases in the State court, and after the case of Brown v. Young was removed to the United States court, desiring to go with his family to Michigan to live, made an arrangement with the Attorney-General of the United States and Col. Benjamin H. Smith by which the claimant, John W. Kennedy, was substituted to his (Andrews's) place in the case. It is proved that Judge Kennedy, as a lawyer, was acceptable to Colonel Smith; had the management of the case up to the date of the trial in 1869; was engaged four months in its preparation; took all the depositions read in the case; assisted at the survey made of the property in question; made a brief of argument of the law and facts; paid his own expenses to Parkersburg and return, a distance of 620 miles, and was ready to assist in the trial of the cause, and that the Government won the case.

MARGARET KENNEDY.

To Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased, the sum of one thousand six hundred and twenty-one dollars and fifty-six cents, on account of timber, fences, fruit trees, and other property taken and used by the Army of the United States, during the late war of the rebellion, from the farm of said John Kennedy, in the District of Columbia..... \$1,621.65

First introduced in the Fiftieth Congress. Favorably reported in the Senate in the Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses; in the House in the Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Reports.—Senate: No. 403, Fifty-second Congress; No. 20, Fifty-third Congress, and No. 113, Fifty-fourth Congress. House: Nos. 95 and 1671, Fifty-second Congress; No. 278, Fifty-third Congress, and Nos. 584 and 1022, Fifty-fourth Congress.

Passed the Senate in the Fifty-second and Fifty-fourth Congresses. Passed both the Senate and the House in the Fifty-third Congress, but failed to receive the President's signature. Also passed the Senate in the Fifty-first Congress, but was reconsidered. There was an adverse report upon it in that Congress. (Senate Report No. 543, Fifty-first Congress, first session.)

Margaret Kennedy is the widow and sole executrix of John Kennedy, deceased. In his lifetime John Kennedy, whose loyalty was unquestioned, owned a tract of 26½ acres of land on the bank of the Eastern Branch of the Potomac, in the District of Columbia. At the breaking out of the war a portion of the farm was cultivated to orchard, garden, flowers, and shrubbery. The remainder was covered with a growth of oak, pine, and chestnut forest. The land was taken possession of by the Government and used throughout the war for military purposes. Fort Sedgwick was erected upon it, around which rifle pits and other excavations were made, covering in all about 12 acres. The effect of this military appropriation was practically to destroy the larger part of the tract of land as a farm, and for all purposes of cultivation, while

the timber, fruit trees, fencing, etc., were destroyed, being used as fuel. The claim as originally made by Mrs. Kennedy amounted to \$10,476. The committee reduces the loss to \$3,000. Of this sum \$1,378.44 has been allowed and paid, leaving \$1,621.56 to be provided for by this bill.

CHRISTIAN M. KIRKPATRICK.

To Christian M. Kirkpatrick, the sum of six thousand and forty-four dollars and twenty-two cents, for the payment of his claim for improving with brick the street known as Clifford avenue from the tracks of the Cleveland, Cincinnati, Chicago and Saint Louis Railroad Company to a point one hundred and forty-five feet east of Newman street, including the roadway in front of and adjacent to the ground owned by the United States Government, known and designated as the United States Arsenal, at Indianapolis, Indiana: *Provided*, That when this settlement is made the Secretary of the Treasury shall take proper steps to secure for the United States the same benefit that the city of Indianapolis has obtained for other property holders interested in this improvement, to wit, that the said Christian M. Kirkpatrick shall keep in repair the portion of the said Clifford avenue belonging to the United States for five years from the completion of the work for the payment of which provision is hereinbefore made without additional cost to the Government..... \$6,044.22

First introduced in the Fifty-fourth Congress. Favorably reported to the Senate and passed by that body in both the Fifty-fourth and Fifty-fifth Congresses, and twice reported to the House in the Fifty-fourth Congress—once in a House bill and once in a Senate bill.

Reports.—Senate: No. 957, Fifty-fourth Congress, and No. 89, Fifty-fifth Congress. House: Nos. 389 and 2295, Fifty-fourth Congress.

It appears from the papers submitted to the committee that in June, 1895, the city of Indianapolis, Ind., entered into a contract with Christian M. Kirkpatrick to pave Clifford avenue in that city adjacent to the grounds of the United States Arsenal, one-half of which avenue is a part of the grounds, and has been left outside of the arsenal fence for the convenience of the Government as well as the public. By the terms of the contract Kirkpatrick was to look to the United States for its fair proportion of the expense of the work. It has been completed in a satisfactory manner and accepted by the city, the assessments made upon the private property holders for the cost of the improvement properly chargeable to them according to the city ordinances have been paid, and the contractor asks from the Government compensation for so much of the work as was actually done upon its portion of the avenue. Brigadier-General Flagler, Chief of Ordnance, recommends that the appropriation be made. The sum requisite is \$6,044.22.

GEORGE H. KITSON.

To G. H. Kitson, or his legal representatives, the sum of one thousand dollars, due said Kitson for money advanced to the Menominee tribe of Indians, of Wisconsin, out of any money due said tribe from the United States not otherwise appropriated..... \$1,000.00

This claim passed the Senate as a part of the general deficiency appropriation bill in the Fifty-fourth Congress, second session. The claim is explained by the following letter:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 4, 1897.

SIR: I have the honor to acknowledge receipt by your reference of February 4, 1897, in words as follows: "Respectfully referred to honorable Commissioner Indian Affairs by request of Senator Allison, on Senate Appropriations Committee, for report to him at earliest possible time" of "H. R. 10002, amendment intended to be proposed by Mr. Mitchell, of Wisconsin, to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling

treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," viz: After line 7, page 42, insert the following:

"That the Secretary of the Interior be, and is hereby, directed to pay to G. H. Kitson, or his legal representatives, the sum of one thousand dollars, due said Kitson for money advanced to the Menomonee tribe of Indians, of Wisconsin, out of any money due said tribe from the United States not otherwise appropriated."

Accompanying said amendment is the original letter from Charles S. Kelsey, United States Indian agent, dated Green Bay Agency, Keshena, Wis., January 16, 1892, reading as follows:

"Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

"SIR: Herewith is forwarded an account of one Geo. H. Kittson, for money advanced to pay expenses of a delegation of Menomonees on a business visit to Washington in February and March, 1873. The said Kittson is a quarter Menomonee, as understood, and mortgaged his farm at the time to raise money for use of said delegation—losing his farm as a consequence. He has made repeated attempts to secure his pay, and to-day the Indian court gave him a hearing with the result that I am desired to request authority from your office to pay said Kittson the sum of six hundred dollars from the Menomonee fund, in satisfaction of said claim, or that the honorable Commissioner pay the same directly from his office. All admit the use of said Kittson's money—a few items only being questioned."

The "account" referred to in Agent Kelsey's letter, and also submitted to me with said amendment, reads as follows:

"WASHINGTON, D. C.

"We, the undersigned head chiefs of the Menomonee Indian tribe, delegates to Washington, we authorize our agent to pay G. H. Kitson the sum of one thousand dollars (\$1,000.00) for value received, at the rate of ten per cent interest per annum until paid.

"March 15th, 1873.

"NESPIT, Head Chief (his x mark).

"MANECHE-KA-NA (his x mark).

"DAVID SYASATA (his x mark).

"NAH-PA-TAH (his x mark)."

On the back of said account is indorsed the following:

"Sept. 11th, 1891. Presented to the Indians in council assembled, and received on account hereof, \$26.45."

In reply thereto, I would respectfully report that the claim of Mr. Kitson appears to be just, so far as I am able to determine from the papers submitted; that the Indians have paid him \$26.45 on account, as shown by the indorsement above quoted, and that there are funds to the credit of the Menominee Indians applicable to the payment of the claim, provided Congress so directs.

The amendment, letter from Agent Kelsey, and "account" transmitted by you are respectfully returned herewith.

Very respectfully,

THOS. P. SMITH,
Acting Commissioner.

Hon. ALEX. STEWART, *House of Representatives.*

EMMA D. AND CHARLES M. LARSH.

To Mrs. Emma D. Larsh, of Denver, Colorado, the sum of eight hundred and sixteen dollars, being the amount paid by her on final desert entry numbered two hundred and thirteen, February twenty-fifth, eighteen hundred and eighty-five, at the Cheyenne (Wyoming) land office, for the whole of section nine, township twenty-four north, range sixty-eight west, six degrees postmeridian, in the State of Wyoming, and relinquished by her January thirteenth, eighteen hundred and eighty-seven, and entry canceled by the General Land Office February fifth, eighteen hundred and eighty-seven, and subsequently entered by other parties; and to pay to Charles M. Larsh, of Denver, Colorado, the sum of eight hundred and sixteen dollars and ninety-eight cents, being the amount paid by the said Larsh on final desert entry numbered two hundred and twelve, February twenty-fifth, anno Domini eighteen hundred and eighty-five, at the Cheyenne (Wyoming) land office, for the whole of section three, township twenty-four north, range sixty-eight west, of the sixth principal meridian, and relinquished by him January thirteenth, eighteen hundred and eighty-seven, said entry being canceled by the General Land Office February fifth, eighteen hundred and eighty-seven, and subsequently entered by other parties, who paid the Government the full value for the land, and to whom the patent was issued. Total.....

\$1,632.98

First introduced in the Fifty-third Congress.

Favorable reports.—Senate: Nos. 873 and 874, Fifty-fourth Congress, and 462, Fifty-fifth Congress. House: No. 1805, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress.

It is shown by the records of the General Land Office that on May 1, 1883, Emma D. Larsh made her desert entry in the Cheyenne (Wyo.) local land office, and that on February 25, 1885, she made final desert entry, No. 213, on the land entered.

The same records show that on the same date and in the same local land office Charles M. Larsh made desert entry, No. 549, and that on February 25, 1885, he made final desert entry, No. 212, on this land.

The records of the General Land Office show that the total amount paid by Mrs. Emma D. Larsh was \$816, exclusive of land office fees, and that Charles M. Larsh paid a total sum of \$816.98, exclusive of fees.

These entries were all proved up on a letter of instruction from the Secretary of the Interior to the Commissioner of the General Land Office, dated February 9, 1885.

The entries stood thus until in the month of January, 1887, when the Commissioner of the General Land Office ordered a special agent to investigate these and other entries in that section; and after the agent had made his investigations he informed claimants that under his instructions from the Land Office he would be compelled to report their entries for cancellation, and would further report their cases to the United States attorney for prosecution; and the claimants, being ignorant of their legal rights under the law, and to save themselves from worry and vexatious criminal prosecutions threatened, and acting under the advice of the Government official, relinquished their entries on January 13, 1887, and handed their relinquishments to the special agent, who transmitted them to the General Land Office, and the entries were canceled February 5, 1887. The lands were subsequently entered by other persons and by them proved up upon. The Government thus received its dues on each entry from two persons.

All the statements so far made are acknowledged to be true by the General Land Office, but when the claimants apply for the refunding of their money the officials of the General Land Office say that they can not be paid because the relinquishments were voluntary. A sworn statement by Henry R. Frye, special agent of the Land Office, controverts this position. He says, in part:

I visited the entries in question and concluded it would be my duty to report them for cancellation, and also recommend to the United States district attorney that he prosecute the entrymen for perjury, for, as I conceived it, one course must follow the other. At the same time, from personal acquaintance with the parties, I felt very sure that whatever of wrongdoing there was done was through ignorance or bad counsel, and not with any intention of defrauding the Government. This, however, was not a matter for me to consider, no matter what my personal feeling to the entrymen might be. When I called on Mr. Larsh and stated the case to him, he was very much alarmed; said he thought everything was right, as told him by his attorney; but if there was anything that could be done to satisfy the Government he would do it, as he did not want to have any trouble and did not desire to be prosecuted. I informed him that the easiest way out of the difficulty would be to relinquish to the Government, and I would recommend that this would settle matters, and in that case I would have no occasion to recommend criminal prosecution. They all gave me their relinquishment to the entries, which I forwarded to the General Land Office, and in due time the entries were canceled and subsequently filed on by other parties and, I understand, patented. I made this explanation the more readily from the fact that, in the light of subsequent actions of the General Land Office, I fear that I was the innocent cause of doing these entrymen an injustice, and I will state my reasons.

T. P. LEATHERS.

To T. P. Leathers, surviving partner of the firm of Holmes and Leathers, the sum of twelve thousand nine hundred and ten dollars and thirty-five cents, being amount due them for transporting the United States mail on route numbered seventy-four hundred and two, Mississippi, and on route numbered eighty-one hundred and sixty-five, Louisiana, for the months of April and May, eighteen hundred and sixty-one \$12,910.35

Favorable reports.—In the Senate: No. 632, Fifty-third Congress, and No. 256, Fifty-fourth Congress. In the House: No. 1701, Fifty-second Congress, and No. 857, Fifty-third Congress.

Passed the Senate in the Fifty-fourth Congress.

This claim is on account of money earned by the firm of Holmes & Leathers as mail contractors in the States of Mississippi and Louisiana in 1861, the balance being, according to the statement of the Auditor of the Treasury, \$12,910.35. In a letter bearing upon this subject, dated February 3, 1892, Hon. T. B. Coulter, then Auditor of the Treasury for the Post-Office Department, while certifying that this amount is to the credit of the firm, also said:

I am clearly of the opinion that nearly, if not all, of the mail service performed in the Southern States prior to June 1, 1861, has been paid for once, and some of it twice, and that in the absence of a complete record of payments made for said service by the Confederate States government it would be unsafe to make further payments.

Replying to this assertion, the House Committee on Claims in the Fifty-second Congress, in reporting upon the bill, said:

In this case Mr. T. P. Leathers, a citizen of almost national reputation and standing, the surviving partner of the firm of Holmes & Leathers, to whom the money is due, makes affidavit that this claim, or no part of it, has ever been paid, and that he performed this service, carrying the mail under the United States flag upon his own boat at great peril both to himself and to his property, the said boat. As Captain Leathers has been kept out of the payment of this money for over thirty years, during all of which time the sum has stood to his credit upon the books of the Government, and makes affidavit that he has never been paid, to meet the objection suggested or proffered by the Auditor, your committee have no hesitancy in reporting this bill to the House for its favorable action, and recommend that the same do pass.

JOHN LITTLE AND HOBART WILLIAMS.

To John Little and Hobart Williams, of Omaha, Nebraska, the sum of one thousand four hundred and twenty-three dollars and seventy-five cents, being the amount due them as reported by the Court of Claims.. \$1,423.75

First introduced in the Forty-seventh Congress. Favorably reported to the Senate in the Forty-seventh, Forty-ninth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses, and to the House in the Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Reports.—Senate: No. 965, Forty-seventh Congress; No. 1355, Forty-ninth Congress; No. 218, Fifty-first Congress; No. 41, Fifty-second Congress; No. 55, Fifty-third Congress, and No. 1016, Fifty-fourth Congress. House: No. 786, Fifty-second Congress; No. 439, Fifty-third Congress; Nos. 482 and 2058, Fifty-fourth Congress.

Passed the Senate in the Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

The claimants became in 1875 the holders of a lease for mining coal on the Iowa Indian Reservation, which was approved by the Indian Department, but afterwards, in 1876, declared void by that department after the decision of the United States Supreme Court in the Oneida Indian case, in which the court held that the right of Indians in land

was that of occupancy alone, and that the Indians had "no power of alienation except to the United States." While the claim of Messrs. Little and Williams was originally much larger, allowance is here made only for the money paid on the leasehold and personal property, the sum being \$1,423.75.

ADMINISTRATOR OF GEORGE M'ALPIN.

To the administrator of George McAlpin, deceased, the sum of two thousand two hundred and fifty dollars and eighteen cents, in full for the said McAlpin's claim on account of moneys collected from him while acting as sutler, Pennsylvania cavalry, during the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four, and eighteen hundred and sixty-five, at the United States custom-house at Baltimore, Maryland, to pay the sum of three per centum on the value of all the supplies shipped to him during said years within the lines of the Army \$2,250.18

First introduced in the Fifty-second Congress. Favorably reported to the Senate in the Fifty-fourth and Fifty-fifth Congresses, and to the House in the Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Reports.—Senate: No. 1483, Fifty-fourth Congress, and No. 16, Fifty-fifth Congress. House: No. 2186, Fifty-second Congress; No. 52, Fifty-third Congress, and No. 93, Fifty-fourth Congress.

Passed the Senate and the House in the Fifty-fourth Congress, but failed to secure the signature of the President. Also passed the Senate in the first session of the Fifty-fifth Congress.

Mr. McAlpin was the sutler of the Eleventh Pennsylvania Cavalry during the war, and between the 3d of November, 1862, and the 12th of May, 1865, he purchased—mostly in Baltimore—and had them consigned to himself, goods amounting in cost to \$235,074.69. By a mistake of the custom-house officers at the custom-house in Baltimore, Mr. McAlpin was charged 5 per cent and 3 per cent fees on all such shipments through the custom-house, charging them to him as a trader instead of under the regulation for sutlers.

Under the acts of Congress and the regulations of the Treasury Department no fees should have been charged on sutlers' goods such as were shipped by Mr. McAlpin through the custom-house at Baltimore, and therefore the amount paid by him to the Government was wrongfully collected from him, as there was no law or regulation of the Treasury authorizing such collections.

MOBILE MARINE DOCK COMPANY.

To the Mobile Marine Dock Company, or its authorized agent or attorney, eighty-six thousand two hundred and two dollars and sixty-five cents, for the use and occupation of and damage to property of said company taken from April sixteenth to November fifteenth, eighteen hundred and sixty-five, inclusive \$86,202.65

First introduced in the Forty-fourth Congress. Favorably reported to the Senate in the Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, Fifty-fourth, and Fifty-fifth Congresses; to the House in the Forty-seventh and Fifty-second Congresses. The minority of the House committee made an adverse report in the Forty-seventh Congress.

Reports.—Senate: No. 565, Forty-eighth Congress; No. 190, Forty-ninth Congress; No. 484, Fiftieth Congress; No. 488, Fifty-first Congress; No. 1080, Fifty-fourth Congress; and No. 100, Fifty-fifth Congress. House: No. 1822, Forty-seventh Congress; and No. 46, Fifty-second Congress.

Passed Senate in the Fiftieth, Fifty-first, Fifty-fourth, and Fifty-fifth Congresses.

After the capture and occupancy of the city of Mobile in April, 1865, by the United States Army, it was determined that the interests of the United States demanded the occupancy and use of the Mobile Marine Dock Company, and the property of the company, with its entire organized working force, including the superintendent and employees, was, on the 16th day of April, 1865, placed under the exclusive direction and control of the Quartermaster's Department and in the service of the Government. This control and service continued for seven months—until the 16th day of November, 1865—when it was redelivered to the officers of the company, after such use of material and such damage to the dock as the protection of Government interests rendered necessary and unavoidable. When, after the restoration of the dock to its owners, they made request for payment for use, the Quartermaster-General responded that “under the act of February 21, 1867, claims arising in the State of Alabama during the rebellion could not be paid.” The “board of claims” of the War Department fixed upon \$101,938.81, as a reasonable charge for the services performed. It appears that at the time the dock was turned over to the United States authorities there was a promise of “reasonable compensation,” but this promise was not complied with because of the change of quartermasters in charge of the dock during its occupancy by the Government.

In its exhaustive examination of the matters of the dock company the “board of claims” gives the classification of a furnished list of stockholders, showing that while the chief interest and control was held by parties loyal to the Government, only eight small stockholders had given support to the rebellion. Having completed its statement of the facts involved in the claim, the board in concluding its report suggests doubt as to the scope of the acts of Congress in limiting the authority of the War Department to pay any claims arising in States which had been declared to be in rebellion. In deference to this expressed doubt of the board of claims, Secretary Rawlins referred the claim of the dock company to the Attorney-General, with the request for his opinion upon the restraining limitation of the acts of 1864 and 1867 on the discretionary powers of the Secretary for the payment of the claim. This was done on the 3d day of April, 1869, and no response was made from the Attorney-General's office until the 3d day of January, 1872, the day after the claim was barred before the Court of Claims by the statute of limitations. The Attorney-General concludes his opinion as follows: “I am of the opinion that the present claim originated during the war, and can not be settled by the War Department (13 Op. Att. Gen., 555).” The Attorney-General bases his opinion upon the assumed fact that the “dock” is real estate, “whereas,” said the Senate Committee on Claims in reporting the bill to the Forty-eighth Congress, “the ‘dock’ is made of wood and iron, and floats on the water.”

The sum recommended for appropriation is \$86,202.65.

PEARSON C. MONTGOMERY.

To Pearson C. Montgomery, of Memphis, State of Tennessee, the sum of three thousand two hundred dollars, compensation for all claims connected with the steamer New National, and its use while in the service of the United States upon the Mississippi River and its tributaries prior to the twenty-first day of March, in the year eighteen hundred and sixty-three.....	\$3,200.00
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First introduced in the Forty-eighth Congress. Favorably reported to the Senate in the Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, Fifty-S. Rep. 544—5

second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses; to the House in the Fifty-first, Fifty-second, and Fifty-third Congresses.

Reports.—Senate: No. 332, Forty-eighth Congress; No. 34, Forty-ninth Congress; No. 1186, Fiftieth Congress; No. 100, Fifty-first Congress; No. 555, Fifty-second Congress; No. 183, Fifty-third Congress; No. 360, Fifty-fourth Congress, and No. 50, Fifty-fifth Congress. House: Nos. 235 and 1596, Fifty-first Congress; Nos. 30 and 1649, Fifty-second Congress, and No. 1240, Fifty-third Congress.

Passed by the Senate each Congress from the Forty-eighth to the Fifty-fifth, inclusive of both.

On the breaking out of the rebellion Pearson C. Montgomery, of Memphis, Tenn., was the owner of the steamer *New National*, of about 480 tons burden, and was engaged in regular business with the boat on the Mississippi River. The boat was impressed by the Confederates into their service without the consent of Montgomery, as he alleges. She continued in the service of the Confederates from that time to June 6, 1862, when Memphis was captured by the Union forces, when she was delivered to Admiral Davis, and Capt. Alexander Grant, of the Navy, was immediately placed in command of her, and she entered upon the service of the United States with the full consent of Montgomery, as he alleges. She continued in this service from June 6, 1862, to March 20, 1863, a space of two hundred and eighty-eight days, at the expiration of which time she was turned over to Montgomery by the order of the Secretary of the Treasury, and thereupon he chartered her for one year to Admiral Porter, at the rate of \$50 a day, and for a second year at the rate of \$65 a day.

Montgomery put in a claim for \$14,400 against the Government, which would amount to \$50 a day for the period for which he was not paid for the use of the vessel. The claim was disallowed by the Treasury Department. There was a proceeding by libel in the Federal courts against the *New National*, on the ground that her owner was not loyal. These proceedings were dismissed on order of Secretary Chase, the dismissal occurring sixty-four days in advance of the date of the first contract between the Government and Montgomery. It is for payment for this period of sixty four days that provision is here made, at the rate of \$50 per day, making the amount of the allowance \$3,200. On the question of loyalty a report made to the Senate by this committee in the Forty-eighth Congress said:

As to the loyalty of Captain Montgomery the testimony is somewhat conflicting, but the committee are inclined to adopt the view of the Secretary of the Treasury, Hon. Salmon P. Chase, that Captain Montgomery was loyal to the United States Government, and that his acts inconsistent with that were not his own free will. It appears that as soon as the coercive acts of the Confederates were removed he voluntarily surrendered the *New National* to the United States.

ADMINISTRATORS OF M. C. MORDECAI.

To Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai, the sum of six thousand four hundred dollars, for the postage on mails transported by the said M. C. Mordecai in the steamer Isabel, or any other steamer, from Charleston, South Carolina, to Habana, Cuba, by way of Savannah, Georgia, and Key West, Florida, from the first of October, eighteen hundred and fifty-nine, to the twentieth of July, eighteen hundred and sixty \$6,400.00

First introduced in the Forty-seventh Congress.

Favorable reports.—In the Senate: No. 596, Forty-seventh Congress; No. 1415, Forty-ninth Congress; No. 1547, Fiftieth Congress; No. 197, Fifty-first Congress; No. 215, Fifty-second Congress; No. 139, Fifty-

third Congress, and No. 382, Fifty-fifth Congress. In the House: Nos. 1108 and 2987, Fiftieth Congress; Nos. 575 and 851, Fifty-first Congress, and No. 1139, Fifty-second Congress.

Passed the Senate each session from the Forty-ninth to the Fifty-fifth Congress, except the Fifty-fourth.

For several years prior to 1859 M. C. Mordecai and others carried the United States mails from Charleston, S. C., via Savannah, Ga., and Key West, Fla., to Habana, Cuba, by their line of steamers, known as the "Isabel Line," first for the contract price of \$50,000 and then of \$60,000 per annum. Congress adjourned on the 4th of March, 1859, without having made any provision for the mail service of the country, and Mordecai, not having been able to effect any arrangement with the Department for the continuance of said service, ceased on the 30th of June, 1859, when his contract expired to carry the mails between Charleston and Habana, but the service was resumed in the following October and continued for the nine months up to July 1, 1860, for which he received no compensation. Mr. Mordecai claimed compensation from the Post-Office Department according to the old rates of contract between him and the Government. This the Department refused to accede to, alleging that they had refused to make and had made no such contract with him, but always stating they were willing to pay for the service rendered the amount of the sea and inland postage under the law prevailing when the work was done. The committee claim that this amount is justly due and recommend its payment. This sum, which is the amount recommended, is \$6,400.

THOMAS P. MORGAN, JR.

To Thomas P. Morgan, junior, the sum of four thousand eight hundred and ninety-eight dollars and four cents, being the amount due him for work done under a contract entered into by said Thomas P. Morgan, junior, with the United States, through the Engineering Department of the United States Army, for dredging in the harbor of Norfolk, Virginia, which sum was withheld and retained by the Government because of the failure of said contractor to complete the whole amount of the work within the time mentioned in the contract \$4,898.04

Favorably reported to the Senate in the Forty-eighth, Forty-ninth, Fiftieth, and Fifty-first Congresses; to the House in the Forty-ninth, Fifty-first, and Fifty-second Congresses.

Reports.—Senate: No. 448, Forty-eighth Congress; No. 233, Forty-ninth Congress; No. 85, Fiftieth Congress, and No. 990, Fifty-first Congress. House: No. 2607, Forty-ninth Congress; Nos. 334 and 2725, Fifty-first Congress, and 1056, Fifty-second Congress. Adversely reported to the Senate in the Fifty-second Congress. (Report No. 426, Fifty-second Congress, first session.)

Passed both Houses in the Forty-ninth Congress, but was not signed by the President. Also passed the Senate in the Fiftieth and Fifty-first Congresses.

The claimant, Thomas P. Morgan, entered into a contract with the United States, through the Engineer Department, to do certain work and dredging in the harbor of Norfolk, Va. He failed to perform his contract, as it was declared by the engineer terminated, and the amount then due by the United States to the claimant forfeited. This sum amounts to \$4,898.04, and was earned by the claimant, and his right to receive it lost only by a provision in the contract authorizing its forfeiture. The contract was forfeited, because the whole amount of work was not done within the time mentioned in the contract. The claimant

asserts that the delay was occasioned in large measure by two circumstances, among others, over which he had no control.

First. The contract represented that all the dredging was to be done in soft earth, yet a considerable amount of hard excavation was necessary. This hard material could not be removed by the ordinary clam dredge, which was entirely suitable for excavating soft material; this was the kind of dredge which the claimant owned and was working when the hard material was excavated.

Second. The commissioner of the harbor made some regulations in relation to the dumping ground at which claimant was required to dump the excavations. These regulations operated to hinder and delay claimant.

An extension of the time for completing the contract was granted, but claimant was prevented from doing the work by unusually stormy weather.

WILLIAM MOSS.

To the administrator of the estate of William Moss, deceased, late of Arkansas, the sum of fourteen thousand one hundred and seventy-five dollars, for the benefit of the heirs at law of said deceased, for extra services in transporting the United States mails from Washington, Arkansas, to Clarksville, Texas, and back three times a week, from July first, eighteen hundred and fifty-four, until June thirtieth, eighteen hundred and fifty-eight, route seven thousand six hundred, which services were not provided for in his contract..... \$14,175.00

First introduced in the Thirty-fifth Congress. Favorably reported in the Senate in the Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses; to the House in the Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Reports.—Senate: No. 496, Fifty-first Congress; No. 110, Fifty-second Congress; No. 523, Fifty-third Congress; No. 392, Fifty-fourth Congress, and No. 25, Fifty-fifth Congress. House: No. 3825, Fifty-first Congress; Nos. 703 and 2470, Fifty-second Congress; No. 856, Fifty-third Congress, and Nos. 340 and 1800, Fifty-fourth Congress. Adversely reported to the Senate in the Thirty-fifth and Forty-fifth Congresses. (Reports No. 44, Thirty-fifth Congress, and No. 34, Forty-fifth Congress.)

Passed the Senate in the Fifty-first, Fifty-second, Fifty-fourth, and Fifty-fifth Congresses.

William Moss was contractor for the transportation of the United States mails from Washington, Ark., to Clarksville, Tex., in 2-horse hacks, for four years from July 1, 1854, at \$6,300 per annum. In the beginning of the year 1855 (about six months after Moss commenced his duties) the Postmaster-General increased the service from Little Rock to Washington from three to six times a week. About the same time a new post route was established from Gaines Landing to Washington, in 4-horse stages, six or seven times a week. The service from Shreveport to Washington was also increased from once a week on horseback to three times a week in 2-horse stages, and soon after again increased to a daily in 4-horse stages.

This new mail service was made to hasten the delivery of mail matter in eastern and northeastern Texas, which before that time had been going by the way of New Orleans, making a long circuit. This was cut off by these direct lines across the country, and the mail matter for that section of Texas and beyond was sent over these and then over Moss's route from Washington to Clarksville.

The testimony shows that in consequence of these changes almost all the Texas matter which came over all these lines had to be carried out

by Moss, and it followed, as a matter of course, that his 2-horse service was unequal to the task, and in consequence he was about to resign. The postmaster urged him to continue the service. He was also urged to continue it by Arthur Hayes, then United States mail agent for a district including this point, who had gone to Washington, Ark., especially to examine into this service. The postmaster and the agent assured Mr. Moss that if he would increase his lines to a 4-horse stage service and carry the mails the Government would pay him extra compensation, and Mr. Hayes promised to place the matter properly before the Postmaster-General and urge him to pay just extra compensation therefor. In view of these promises Mr. Moss did put on 4-horse coaches, and promptly delivered the mails thereafter to the end of his contract.

The then postmaster, R. A. Phillips, says in his affidavit:

Moss's expenses must have been largely increased by this increase of service. It required twice the number of horses and harness, twice the capital, twice the forage; indeed, I might say twice an increase of everything, save alone in his vehicles and stage drivers, and I would feel safe in assuming that he ought reasonably to have had an increase of from 75 to 100 per cent upon his original contract for all additional service.

The allowance, \$14,175, is an increase at the rate of 75 per cent over the amount of Mr. Moss's original contract for the time of the extra service.

EDWARD H. MURRELL.

To Edward H. Murrell the sum of one thousand four hundred and nine dollars and thirty-four cents, said amount having been collected by the Treasury agents of the United States from property in New Orleans, Louisiana, belonging to said Murrell, and by them turned over to the Treasury Department..... \$1,409.34

Favorable reports.—In the Senate: No. 478, Fifty-third Congress, and No. 259, Fifty-fourth Congress. In the House: No. 1822, Fifty-third Congress, and No. 1878, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress.

The provision here is for the payment of \$1,409.34 to E. H. Murrell, of Lynchburg, Va., on account of rent of property located in New Orleans, La., owned by Murrell and confiscated by the Government authorities during the war. The amount is certified to by the Treasury Department. It appears that Murrell's failure to file his claim in the time allowed was due to the loss of his papers. Mr. Murrell was pardoned by President Johnson after the close of the war.

MRS. SUSAN MURPHY NELSON.

To Mrs. Susan Murphy Nelson, of Decatur, Alabama, the sum of seven thousand dollars, for the use and destruction of the buildings and other property on her farm in Decatur, Alabama, by the military forces of the United States during the late civil war..... \$7,000.00

This provision is almost a copy of Senate bill No. 413, Thirty-ninth Congress, first session. That bill passed the Senate on July 17, 1866 (Cong. Globe, vol. 60, p. 3870), was sent to the House and was there referred to the Committee of the Whole and placed on the Private Calendar. It was on the Speaker's desk when that Congress terminated and failed only because it was not reached.

The Senate Report No. 128, July 19, 1866, prepared by Senator Anthony, of Rhode Island, shows that the various buildings and the fences on Mrs. Nelson's (then Miss Murphy's) place were taken possession of by the military forces of the United States, under order of Gen.

G. W. Dodge dated March 19, 1864, and were destroyed or used for military purposes. On February 13, 1865, a board of officers was convened by Gen. R. S. Granger for the purpose of inquiring into Miss Murphy's loyalty and the extent of her losses, and the board found her loyal and found that her losses aggregated \$7,000. This report was approved by the commandant of the post, and indorsed by Gen. George H. Thomas, who recommended that the amount be paid by the Engineer Department. The loyalty of Miss Murphy, whose father had been a captain in the Army of the United States and died some years before the war, was unquestioned and unquestionable. It was afterwards held that the Engineer Department was not authorized to pay for such losses, and therefore Miss Murphy was compelled to appeal to Congress.

NORTH GERMAN LLOYD STEAMSHIP COMPANY.

To Messrs. Oelrichs and Company, the agents of the North German Lloyd Steamship Company, the sum of six thousand five hundred and seventy-one dollars and forty-five cents, for import duties imposed, collected, and paid into the United States Treasury on a propeller shaft and appurtenances, four propeller blades, one propeller boss, one steam tube, and two boxes of iron and brass, part of the machinery of the steamship *Werra*, at the port of New York, owned by the North German Lloyd Steamship Company aforesaid; and to the North German Lloyd Steamship Company, or their duly accredited agents at the port of Baltimore, the sum of two thousand four hundred and twenty-two dollars and thirty-five cents, for import duties imposed, collected, and paid into the United States Treasury on a steel crank shaft, part of the machinery of the steamship *Strassburg*, at the port of Baltimore, owned by the North German Lloyd Steamship Company aforesaid.... \$8,993.80

First introduced in the Fifty-first Congress. Favorably reported to the Senate in the Fifty-first, Fifty-fourth, and Fifty-fifth Congresses; to the House in the Fifty-first and Fifty-fourth Congresses.

Reports.—Senate: No. 2357, Fifty-first Congress; No. 258, Fifty-fourth Congress; No. 348, Fifty-fifth Congress. House: No. 2925, Fifty-first Congress; No. 986, Fifty-fourth Congress.

Passed the House in the Fifty-first Congress. Passed the Senate in the Fifty-fourth Congress.

The intention in this case is to refund \$8,993.80 paid as duty by the North German Lloyd Steamship Company on certain portions of two of their vessels—the *Werra* and the *Strassburg*. The vessels were disabled at sea and towed into American ports. The broken parts could not be duplicated in this country without resorting to their especial manufacture, which would have caused much delay. They were, therefore, ordered from England, where the ships were manufactured, and duty collected upon them as merchandise.

In a letter to the committee the Secretary of the Treasury says that the duties in the two cases under consideration were imposed “under the general regulations of the Department,” which prescribe that “all equipments and materials like the said shaft, etc., brought into the United States for the purpose of being sold or transferred to other vessels, or for any purpose other than for the use of the vessel bringing the same, were and are considered importations of merchandise subject to the payment of duty under the tariff laws.”

The duties were paid under protest and appeal, in accordance with the provisions of section 2931 of the Revised Statutes.

The committee has heretofore taken the position that since the parts of machinery in question were never intended to be entered for consumption in the United States, they being indispensable parts of disabled vessels, belonging to a friendly nation, which came into our ports

in distress and seeking shelter, it would seem to be but proper that under the circumstances duties thus collected should be refunded.

JOHN O'KEANE.

To John O'Keane, of the State of Washington, the sum of one hundred and twenty-five dollars, as salary due him for service as a farmer in charge of the Tulalip Indian Agency, Washington Territory, for the month of October, eighteen hundred and eighty-two, and not heretofore paid to him..... \$125.00

First introduced in the Fiftieth Congress. Favorably reported to and passed the Senate in the Fifty-third and Fifty-fourth Congresses.

Reports.—Senate: No. 225, Fifty-third Congress, and No. 111 Fifty-fourth Congress.

It is proposed to pay to John O'Keane, of the State of Washington, the sum of \$125 for services performed by him as farmer in charge of the Tulalip Indian Agency from the 1st to the 31st of October, 1882. There is no dispute about the fact that he performed the service from the 1st to the 20th of October, although he has not been paid for the same, but the Commissioner of Indian Affairs claims that he is not entitled to pay from the 20th to the 31st of that month. It appears to the satisfaction of the committee that Mr. O'Keane's name was borne on the official list of employees of the agency as farmer in charge from October 1 to October 31, 1882, and that he performed the services.

ANNA W. OSBORNE

To Anna W. Osborne the sum of six hundred dollars, the same being the value of personal property belonging to her and to John W. Osborne, her late husband, of the United States Army, destroyed by fire at the destruction of the post hospital at Fort Ripley, Minnesota, July twenty-first, eighteen hundred and seventy..... \$600.00

First introduced in the Forty-third Congress. Favorably reported to the Senate in the Fifty-fourth and Fifty-fifth Congresses; to the House in the Forty-sixth, Fifty-third, and Fifty-fourth (twice) Congresses.

Reports.—Senate: No. 1454, Fifty-fourth Congress, and No. 78, Fifty-fifth Congress. House: No. 1765, Forty-sixth Congress; No. 460, Fifty-third Congress, and Nos. 863 and 2965, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress.

The claimant is the widow of John W. Osborne, who served for three years during the late war as a member of Company E, Thirty-sixth Massachusetts Volunteers. He reenlisted soon after his discharge in June, 1865, and was appointed as hospital steward and served as such until October 28, 1870, when he was accidentally killed at Fort Ripley, Minn., where he was on duty at the time. About three months before his death the hospital building at the fort was destroyed by fire, and Osborne and his family, who were living in the building, lost all they had. It is stated that Osborne, instead of trying to save his property, exerted himself to rescue the patients and save the property of the Government. This statement is supported by some of the officers who were on duty at the post. Before his death Osborne applied to the late Vice-President Wilson, then a Senator from Massachusetts, for aid in securing relief. Some of the papers sent to Mr. Wilson were subsequently lost or mislaid, and among them an itemized statement of the losses which, according to the recollection of the widow, was among them. This loss is supplied by the widow, who has submitted a list of the losses as full and correct as was possible after the lapse of so many

years. Her statement is that this loss amounted to \$800. The appropriation here suggested is \$600.

DANIEL W. PERKINS.

To Daniel W. Perkins, late of East Saginaw, Michigan, now of New York City, the sum of one thousand and forty-five dollars, for his services rendered as substitute district attorney of the eastern district of Michigan from October first, eighteen hundred and seventy-one, to June thirtieth, eighteen hundred and seventy-five..... \$1,045.00

First introduced in the Forty-seventh Congress. Favorably reported to and passed by the Senate in the Fifty-second and Fifty-fourth Congresses. Favorably reported to the House in the Forty-seventh, Fiftieth, Fifty-first, and Fifty-fourth Congresses.

Reports.—Senate: No. 626, Fifty-second Congress, and No. 501, Fifty-fourth Congress. House: No. 1996, Forty-seventh Congress; No. 2406, Fiftieth Congress; No. 804, Fifty-first Congress, and No. 1935, Fifty-fourth Congress.

Passed the House in the Fiftieth Congress.

This claim is for services rendered by the claimant as substitute United States district attorney in cases before the United States commissioners in Saginaw County, Mich., from October, 1871, to April, 1875, and is for \$1,045. He was appointed to this duty under section 14 of the act of August 16, 1856. When Mr. Perkins presented his bill for his services he was told that the appropriations for the various years he had served the United States were exhausted, and it could not be paid without an act of Congress authorizing the payment. The act referred to fully authorized the appointment and employment of substitute attorneys, who are to receive the same fees as the district attorney. This law continued in force up to 1874, when the Revised Statutes were adopted, at which time this provision seems to have been dropped; but the omission was not discovered by the authorities in the Department until July, 1875, and notice was not given until August following.

POTOMAC STEAMBOAT COMPANY.

To the Potomac Steamboat Company the sum of five thousand and ninety dollars, being the amount paid by the said Potomac Steamboat Company under a decree of the circuit court of the United States for the eastern district of Virginia, affirmed by the Supreme Court of the United States, to the Baker Salvage Company, for services rendered to the steamer *Excelsior*, belonging to the said Potomac Steamboat Company, when she was sunk by the United States steam tug *Fortune*, in Hampton Roads, Virginia, on the fourth day of December, eighteen hundred and eighty-two \$5,090.00

First introduced in the Fiftieth Congress. Favorably reported to the Senate in the Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses; to the House in the Fifty-second (twice), Fifty-third (twice), and Fifty-fourth (twice) Congresses.

Reports.—Senate: No. 2309, Fifty-first Congress; No. 1081, Fifty-second Congress; No. 130, Fifty-third Congress; No. 200, Fifty-fourth Congress, and No. 72, Fifty-fifth Congress. House: Nos. 512 and 2513, Fifty-second Congress; Nos. 89 and 764, Fifty-third Congress, and Nos. 136 and 1365, Fifty-fourth Congress.

Passed the Senate in the Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses.

The proposition here is to pay the Potomac Steamboat Company \$5,090 as reimbursement for the actual amount paid by it to the Baker

Salvage Company for services rendered the steamer *Excelsior* when she was sunk by the Government steam tug *Fortune* in Hampton Roads, December 4, 1882, to satisfy the decree of the circuit court of the United States for the eastern district of Virginia, affirmed by the Supreme Court of the United States. It appearing that the collision was due to the negligence of the officers of the *Fortune*, the Government paid \$19,957.15 on account of the damages rendered, but did not at the time settle the salvage account, owing to the fact that a dispute over it was in process of adjudication. The suit was determined against the owners of the *Excelsior* and settled for the amount appropriated.

W. A. POUCHER.

To W. A. Poucher, United States attorney for the northern district of New York, two thousand nine hundred and forty-six dollars and thirty-eight cents, for services performed under the direction of the Attorney-General.....	\$2,946.38
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The claim was favorably considered by the Senate in connection with the general deficiency appropriation bill in the second session of the Fifty-fourth Congress.

The claim is for services rendered by Mr. Poucher under the direction of the Attorney-General in the State courts of New York, and is approved by the Attorney-General. (See House Document No. 199, second session Fifty-Fourth Congress.)

SAMUEL C. REID.

To the heirs of Samuel C. Reid, deceased, the full amount of the unexpended balance (sixteen thousand one hundred and ninety-four dollars and fifty-three cents) yet remaining of the seventy thousand seven hundred and thirty-nine dollars appropriated by the Act of May first, eighteen hundred and eighty-two, for the relief of the captain, owners, officers, and crew of the United States brig General Armstrong.....	\$16,194.53
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Favorably reported to the Senate in the Fifty-fourth Congress (Senate Report No. 541) and adversely reported to the House in the same Congress (House Report No. 2848).

Passed the Senate in the second session of that Congress as an amendment to the general deficiency appropriation bill.

The claim grows out of the heroic defense made by the brig *General Armstrong* when in the war of 1814 she was attacked and destroyed by a British force in the neutral port of Fayal, the elder Samuel C. Reid being in command. In 1882 Congress passed an act authorizing and directing the Secretary of State to examine and adjust the claims of the captain, owners, officers, and crew of the brig, growing out of the destruction of the vessel, upon the evidence established before the Court of Claims, and to "settle the same upon the principles of justice and equity." On March 21, 1895, Congress passed another act, in which it is provided "that the unexpended balance made by the act of May 1, 1882, for the relief of the captain, owners, officers, and crew of the United States brig of war *General Armstrong*, their heirs, administrators, agents, or assigns, now under the control of the Department of State, shall be applied for the liquidation and settlement of the claim of Samuel C. Reid according to the vouchers now on file in said Department."

On the 3d of April, 1895, the Secretary of State submitted to the Solicitor-General the foregoing acts of 1882 and 1895, together with eighteen inclosures, asking the Solicitor-General to advise him as to what amount, if any, he was authorized to pay to Mr. Samuel C. Reid

from the unexpended balance of the appropriation made by the said acts of 1882 and 1895. On April 9, 1895, the Solicitor-General answered the communication of the Secretary of State as follows:

That under the authority of the act of 1882 the Secretary of State, Mr. Frelinghuysen, ascertained that the amount originally appropriated for the payment of these claims was \$70,739.

That by instrument of writing dated the 12th of September, 1835, the owners of the vessel, comprising 15 persons and firms, assigned, transferred, and set over unto the said Samuel C. Reid, his heirs and assigns forever, "all our right, title, and interest in the late private armed brig *General Armstrong*, subject to the payment to each of us of the one-half of any moneys that he may recover for or on account of said vessel."

That \$43,000 was the amount awarded by the Court of Claims as indemnity for the losses of the owners of the vessel.

That the said Capt. Samuel C. Reid, by an instrument executed by him dated October 31, 1851, assigned to Samuel C. Reid, jr., "all my right, title, and interest to and in the undivided half of 16 shares of stock in the late private armed brig *General Armstrong*."

That by a further instrument in writing, dated the 12th of December, 1856, the said Capt. Samuel C. Reid assigned to Samuel C. Reid, jr., "all my rights, title, and interest whatsoever to and in the late private armed brig *General Armstrong*, as assigned to me by the stockholders and owners of said brig, in addition to the shares of stock in said brig made over by me to the said Samuel C. Reid, jr., by deed dated October 31, 1851, and also all moneys in virtue thereof which shall or may be recovered from the Government of the United States, or the payment of which may be provided for by the Congress of the United States in virtue of the claim of the brig *General Armstrong* now pending before the Court of Claims of the United States."

That the award made by the Court of Claims for the losses of the owners, officers, and crew was \$27,739, which, when added to the award made as indemnity for the losses of the owners of the vessel, of \$43,000, made the sum of the appropriation \$70,739.

Upon these facts the Secretary of State ascertained and determined that Samuel C. Reid, jr., was entitled to recover 50 per cent of the amount awarded the owners of the vessel and 40 per cent awarded to officers and crew; making \$33,619.80 which Samuel C. Reid, jr., was entitled to receive from the appropriation of \$70,739.

It appears that Samuel C. Reid, jr., the present claimant, has made assignments to various persons, and that payments have been made to the assignees, and payment has also been made to Samuel C. Reid, jr., himself, aggregating the amount appearing in the tabulated statement in Senate Executive Document No. 164, first session Forty-ninth Congress, of \$54,342.48, leaving the balance of the appropriation unexpended \$16,396.52.

SAMUEL RHEA AND JOSEPH R. ANDERSON.

To John L. Rhea, executor of Samuel Rhea, deceased, the sum of twelve thousand eight hundred and twenty-five dollars and sixty-one cents, and to John Anderson, administrator of Joseph R. Anderson, deceased, the sum of one thousand eight hundred and three dollars and thirty-five cents, being the proportion to which each is entitled in sixty-three bales of cotton taken and receipted for by E. Hade, captain and assistant quartermaster, on the nineteenth day of September, eighteen hundred and sixty-four, at Atlanta, Georgia, and turned over to the United States Treasury agents, and by them sold and the proceeds turned over to the United States Treasury, as found in the Court of Claims in the case of John H. Fain against the United States (Fourth Court of Claims Reports, page two hundred and thirty-seven)..... \$14,628.96

First introduced in the Forty-ninth Congress. Favorably reported to the Senate in the Fifty-fourth and Fifty-fifth Congresses; to the House in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Reports.—Senate: No. 971, Fifty-fourth Congress; No. 163, Fifty-fifth Congress. House: No. 4096, Fiftieth Congress; No. 99, Fifty-first Con-

gress; No. 358, Fifty-second Congress; No. 420, Fifty-third Congress; and No. 914, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress.

Early in the year 1862 the decedent, Samuel Rhea, sent \$12,498.80 to J. A. Ansley, of Augusta, Ga., of which sum \$5,010 belonged to his son-in-law, John H. Fain, to be invested in raw cotton. Ansley invested the money sent him, as instructed, in the name of Rhea, and afterwards, in the fall of 1862, shipped the cotton purchased, 251 bales, in Rhea's name, from Augusta, Ga., to Robert J. Lowery, a merchant in Atlanta, Ga. Of this cotton, all but 54 bales was lost in various ways, previous to 1864, when General Sherman seized this remnant. Sherman also seized at the same time 5 bales belonging to Anderson.

Fain brought suit in the Court of Claims for the whole amount of the net proceeds of the 58 bales of cotton in 1867 (4 O. Cls. R., p. 237), and the court held that the facts in the case did not establish a partnership; that the ownership of the cotton before its seizure was joint, with the right of each party to control his interest at discretion; that Fain was justly entitled to recover of the proceeds of the sale of 58 bales of cotton a sum in proportion to the amount of his funds invested therein, which was found to be \$8,360. In the Price Case (7 C. Cls. R., pp. 567 and 577) the Court of Claims delivered an elaborate opinion showing the amount and value of cotton taken from Atlanta which came to the possession of the Government, and it was found that the value of the 58 bales of cotton was \$360.27 net per bale, of which $22\frac{6}{15}$ bales were Fain's proportionate share, which would leave Rhea's proportionate share $35\frac{9}{15}$ bales, at the rate of \$360.27 per bale, amounting to the sum of \$12,825.61 due Rhea. The 5 bales of cotton claimed by Anderson were taken and sold by the Government at the same time, which, at the rate of \$360.27 per bale, would make due Anderson the sum of \$1,803.35.

Rhea and Anderson were both loyal during the war.

(See Exhibit E for an explanation of the Cotton Fund.)

GEORGE F. ROBERTS AND OTHERS.

To the following-named persons, or their legal representatives, respectively, such amounts as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been paid by them, or by the firms they respectively represent, as tax on distilled spirits in excess of the quantity withdrawn by them from warehouse: *Provided*, That the amount paid to each shall not exceed the sums hereinafter stated, that is to say: To George F. Roberts, administrator of the estate of William B. Thayer, deceased, last surviving partner of Thayer Brothers, the sum of ten thousand seven hundred and ninety dollars and thirty-two cents; to Silas Q. Howe, surviving partner of William T. Pate and Company, the sum of nineteen thousand six hundred and sixty-two dollars and nineteen cents; to Henry W. Smith, surviving partner of T. and J. W. Gaff and Company, the sum of fourteen thousand and sixty-two dollars and fifty cents; the said payments being a refund of taxes exacted and paid on distilled spirits in excess of the quantity withdrawn by them from the United States bonded warehouse between July first and December thirty-first, eighteen hundred and sixty-four. \$44,515.01

First introduced in the Forty-eighth Congress.

Favorable reports.—Senate: No. 1230, Forty-ninth Congress; No. 279, Fiftieth Congress; No. 94, Fifty-first Congress; No. 79, Fifty-second Congress; No. 354, Fifty-third Congress; No. 508, Fifty-fourth Congress, and No. 129, Fifty-fifth Congress. House: No. 2609, Forty-eighth Congress; No. 1122, Forty-ninth Congress; Nos. 115 and 658, Fifty-first Congress; No. 1551, Fifty-second Congress; No. 1250, Fifty-third Congress, and No. 210, Fifty-fourth Congress.

Passed the Senate in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Thayer Brothers, Pate & Co., and J. W. Gaff & Co. in the year 1864 had deposited a large quantity of distilled spirits in a United States bonded warehouse, then under the control of officers of the Government charged with the collection of the internal revenue. During the time these spirits were so deposited, and the time at which they were withdrawn, there was a percentage of leakage, whereby, as is shown, in the case of Thayer Brothers there is a loss of 7,193.53 gallons, in the case of Pate & Co. a loss of 13,272 gallons, and in the case of J. W. Gaff & Co. a loss of 9,375 gallons. It further appears that, under direction of the Commissioner of Internal Revenue, these parties severally paid the tax required by law on the quantity originally deposited, without regard to the fact of loss by leakage, in the year 1867; but that they protested, their last resort being to Congress for relief, their appeal being a protest that such collection of taxes was against a proper construction of the act of Congress, June 30, 1864 (sec. 55), and was against the practice and rulings of the Internal Revenue Office.

Under this enforced collection of taxes upon the quantity lost while in the custody of the Government, it is claimed, and, shown by the proof, correctly claimed, that Thayer Brothers paid \$10,790.32, Pate & Co. paid \$19,662.19, and J. W. Gaff & Co. paid \$14,062.50.

In a report made to the Senate in the Forty-ninth Congress, on which all subsequent reports have been based, it was said:

There is no question about the facts involved, but there is one as to the proper construction of the act of Congress referred to. Section 55 of act of Congress approved June 30, 1864, enacts "that in addition to the duties payable for licenses herein provided, there shall be levied, collected, and paid on all spirits that may be distilled and sold, or distilled and removed for consumption or sale, of first proof, on and after the 1st day of July, 1864, and prior to the 1st day of February, 1865, a duty of \$1.50 on each and every gallon." (13 Stat. L., 243.) The rules and regulations prescribed by the Commissioner of Internal Revenue, with the sanction of the Secretary of the Treasury, and as acted on by the office and by subsequent Commissioners and Secretaries, notably Secretary Sherman and Commissioner Raum, show, in the language of Secretary Sherman (of date November 14, 1877): "There can be no doubt that the assessments for leakage were erroneous and improper."

JAMES S. RYAN.

To Michael B. Ryan, son and administrator de bonis non of James S. Ryan, deceased, or to his legal representatives, the sum of fourteen thousand five hundred and eighty-two dollars and four cents, out of the net proceeds of certain cotton now in the Treasury belonging to said John S. Ryan, the amount of his claim as adjudged by the Court of Claims of the United States under the provisions of the Act of March twelfth, eighteen hundred and sixty-three, commonly known as the captured and abandoned property Act..... \$14,582 04

Bill covering this claim first introduced in the name of Catherine I. Gillis in the Forty-fifth Congress.

Favorable reports.—In the Senate: No. 241, Fifty-second Congress. In the House: No. 34, Forty-sixth Congress; No. 2707, Fifty-first Congress; No. 1193, Fifty-second Congress, and No. 161, Fifty-fourth Congress.

Adversely reported to the Senate in the Forty-sixth Congress (Senate Report No. 396) and the bill indefinitely postponed, the vote on postponement being afterwards reconsidered.

Passed the Senate in the Fifty-second Congress and the House in the Forty-sixth.

The claim is for the proceeds of certain cotton belonging to claimant's intestate, which was seized by the military forces of the United States

in Charleston, March, 1865, turned over to the Treasury agent, transported to New York and sold, and the net proceeds thereof placed in the Treasury of the United States, under the provisions of the abandoned and captured property act, March 12, 1863 (12 Stat. L., 820). On June 11, 1867, suit was brought by one Thomas H. Gillis in the Court of Claims to recover for the net proceeds of 108 bales of cotton, being the same cotton which was seized from Ryan, Gillis claiming through Ryan in virtue of an alleged assignment made by Ryan's attorney. Ryan's administrator and Gillis's administratrix, the principals having died, came to an understanding as to how the money should be divided in case of judgment, and filed a stipulation based on that understanding and providing that judgment might be entered in the name of Gillis's administratrix.

The court found, as a conclusion of law, that the claimant was entitled to recover \$13,423.99 as the proceeds of 103 bales of upland cotton and \$1,158.05 as the proceeds of 5 bales of sea-island cotton, in all, the sum of \$14,582.04, and rendered judgment accordingly.

From this judgment of the Court of Claims the United States appealed to the Supreme Court on the ground that the assignee of a claim against the United States has no standing in the Court of Claims and can not maintain an action on such an assignment, by reason of the act of February 26, 1853 (10 Stat. L., 170), and the Supreme Court sustained the appeal. Congress was then appealed to for relief.

A letter from the Secretary of the Treasury, printed herewith and marked Exhibit E, explains the condition of the cotton fund.

JAMES W. SCHAUMBURG.

To the legal representatives or devisees of James W. Schaumburg, deceased, the sum of eleven thousand dollars, or so much thereof as may be found necessary to pay the amount of the pay and allowances of a first lieutenant of dragoons from July first, eighteen hundred and thirty-six, to March twenty-fourth, eighteen hundred and forty-five, as heretofore found to be due to him by the United States circuit court for the eastern district of Pennsylvania on the twenty-third day of November, anno Domini eighteen hundred and seventy-five, after deducting such sums as may have been paid on account of such service. \$11,000.00

First introduced in the Forty-sixth Congress.

Favorable reports.—Senate: Nos. 1476 and 1626, Forty-ninth Congress; No. 69, Fiftieth Congress; No. 95, Fifty-first Congress; No. 205, Fifty-second Congress; No. 242, Fifty-third Congress; No. 509, Fifty-fourth Congress, and No. 378, Fifty-fifth Congress. House: No. 1376, Forty-ninth Congress; Nos. 344 and 1405, Fifty-second Congress; No. 440, Fifty-third Congress, and No. 1820, Fifty-fourth Congress.

Adverse reports.—Senate: In the Forty-seventh and Forty-ninth Congresses, but not printed. In the House: No. 1178, Forty-ninth Congress.

Passed the Senate in the Fiftieth, Fifty-second, and Fifty-fourth Congresses.

The claim in this case is for payment to the legal representatives of the late J. W. Schaumburg for his services as second lieutenant in the Army from July 1, 1836, until March 24, 1845, the failure to pay him being due to an order issued by the Adjutant-General accepting Schaumburg's resignation.

James W. Schaumburg was appointed a second lieutenant in the Army in 1833. In July, 1836, still being a second lieutenant, he tendered his resignation, to take effect in October then next. Before his resignation had been received and acted upon his promotion to be first lieutenant had been forwarded to him (at Des Moines, Iowa). The resignation of

Mr. Schaumburg was held to be a resignation of his office in the Army, and was accepted to date July 31, 1836. The date of acceptance was fixed in accordance with a general order of the President applying to all resignations during active military operations. Mr. Schaumburg has always contested the validity of this acceptance, upon the ground that he did not resign as first lieutenant, and because he was denied the right of withdrawal of his resignation. In 1844 President Tyler ordered that Mr. Schaumburg be restored to the army rolls and register upon the happening of the first vacancy of either first lieutenant or captain in his former regiment, and in July, 1844, his name was restored as first lieutenant, upon the happening of a vacancy in that grade, but was again dropped in March, 1845.

The circumstances under which Schaumburg's letter of resignation was sent in were these: In 1836, while Schaumburg was a second lieutenant and stationed at Fort Des Moines, he was informed that his father was sick in New Orleans and could not survive many weeks, and he sent such a letter with his resignation as second lieutenant, conditioned to take effect October 31 following. It appears that long prior to this date it had become a practice, having the approval of the War Department, that when some emergency rendered it important to an officer that he should absent himself from a distant post of duty sooner than it was possible to obtain an order granting leave of absence, the officer at his own risk made a formal tender of his resignation, conditioning the resignation to take effect at a specified future time. The resignation was inclosed with a letter explaining the emergency, asking the leave of absence, and requesting that the resignation be not accepted.

General Jackson and President Tyler both expressed the opinion that Schaumburg was never legally out of the Army, and the United States Supreme Court adopted the same view in a test case instituted by Schaumburg. (*Schaumburg v. United States*, 13 Otto, 607.) The amount involved is \$11,000.00.

EDMUND E. SCHREINER.

To Edmund E. Schreiner, of Washington City, District of Columbia, the sum of three hundred and two dollars and forty cents, for quarters furnished Captain Herman Schreiner, Ninth United States Cavalry, from September first, eighteen hundred and seventy-two, to February eighteenth, eighteen hundred and seventy-three	\$302.40
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Passed the Senate as a part of the general deficiency appropriation bill in the second session of the Fifty-fourth Congress. Favorably reported to the House in the first session of the same Congress. (See House Report No. 1230, first session Fifty-fourth Congress.)

Capt. Herman Schreiner, Ninth United States Cavalry, was on sick leave of absence in Washington, D. C., during the time quarters were claimed for. He applied for the quarters to the Quartermaster's Department, but was refused them on the ground that he, while on sick leave, was not entitled to them. On June 10, 1879, Captain Schreiner applied for the payment of this allowance, quoting the laws under which this allowance was authorized. The Quartermaster's Department referred the matter to the accounting officers of the Treasury for action. The Third Auditor of the Treasury reported unfavorably to the Second Comptroller. The Comptroller concurred on the ground that "the quarters were not furnished in kind by the Quartermaster's Department." He added:

If it was my duty to decide the point, I should be compelled to hold that Captain Schreiner, while on leave because of sickness, was entitled to quarters in kind. And

had they been furnished by the Quartermaster's Department and the account transmitted to the accounting officers, I think it would have been allowed as an expense legally incurred.

After this decision the Secretary of War recommended that the claim be included in the estimates by the Treasury Department, but this was not done.

C. M. SHAFFER.

To the executor of C. M. Shaffer, deceased, of Berkeley County, West Virginia, the sum of one thousand four hundred dollars, or so much thereof as may be found necessary, in payment for rent and occupation of his warehouse in the town of Martinsburg, in said county and State, as a commissary storehouse during the war of the rebellion: *Provided*, That the Secretary of the Treasury is satisfied after examining the claim that said warehouse was actually occupied by the United States for the purpose alleged; and the claim shall be allowed at the rate of fifty dollars a month for such time as it was so occupied and not paid for..... \$1,400.00

First introduced in the Fiftieth Congress.

Favorable reports.—In the Senate: No. 1850, Fiftieth Congress; No. 88, Fifty-first Congress; No. 94, Fifty-second Congress; No. 659, Fifty-third Congress; No. 305, Fifty-fourth Congress, and No. 76, Fifty-fifth Congress. In the House: No. 882, Fifty-first Congress; Nos. 214 and 464, Fifty-second Congress, and No. 1936, Fifty-third Congress.

Passed the Senate in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses.

It appears from the papers in the case that C. M. Shaffer, a citizen of Martinsburg, W. Va., was, at the breaking out of the war, doing business as a merchant at that point. He owned a large 3-story warehouse, 60 by 35 feet, with a siding running to the platform of the warehouse. Although the evidence is conclusive that the claimant was a bold, outspoken Union man, yet the locality of his warehouse induced the officers of the Federal Army to take possession of it as the depository of commissary and quartermaster stores. The evidence establishes the fact that this warehouse, during the entire period of the occupation of the town of Martinsburg by the Federal troops, was used and occupied for the purpose aforesaid, and that during the period of thirty-four months the claimant was only paid rent for six months, at the rate of \$50 per month, the time for which he was paid being from March 1 to August 31, 1862, leaving twenty-eight months of occupancy unpaid, and the payment for which is here provided for.

GEORGE E. W. SHARRETTS.

To George E. W. Sharretts, the sum of one thousand two hundred dollars, for his time and services in the preparation of his salary tables used by the Government, and in lieu of all royalty or values of such tables, of which he is the inventor and author, as appears by the finding of the Court of Claims filed February second, eighteen hundred and eighty-five..... \$1,200.00

First introduced in the Forty-fourth Congress.

Favorable reports.—In the Senate: No. 732, Forty-seventh Congress; No. 156, Forty-eighth Congress; No. 81, Forty-ninth Congress, and No. 1571, Fiftieth Congress. In the House: No. 3324, Forty-ninth Congress.

Passed the Senate in the Forty-ninth and Fiftieth Congresses.

When the civil war broke out, Mr. Sharretts was a clerk in the Bureau of the First Auditor of the Treasury, and while acting in such capacity he devised a series of salary tables to facilitate the work of the disbursing agents in settling with civil officers of the Government. These

tables embraced every fractional salary from one day to a full quarter, for each quarter in the year, and for all quarterly salaries then fixed by law. These tables were printed on slips and used by himself and others employed on similar work, to the great advantage of the Government.

The Court of Claims, which was instructed to find the facts in the case, found that Sharretts was the first person in any of the Departments to undertake the construction of such tables, and that the work done would have required about a year's time if done within office hours.

Mr. Sharretts asks compensation for his services, and also a royalty on each volume. In a report made to the Senate in the Fiftieth Congress by Mr. Hoar, then of this committee, it was said:

It does not seem to the committee that the method devised by the memorialist of promptly and conveniently ascertaining the salary or tax of different officials for specified periods is an invention which could be patented, or is one for the use of which he would ever become entitled to a royalty, or which indicates any extraordinary inventive genius. The tables could have been prepared by any person with an ordinary knowledge of mathematics. Considering the great convenience of these tables and the great saving of expense they have caused to the Government, it seems reasonable to allow a gratuity for the time and labor employed in preparing them. The court find that if he had been employed upon his work in office hours he could easily have completed it in one year. The work was done out of office hours. His salary as a clerk of the first class was then \$1,200. Your committee recommend paying him that sum, and that the bill be amended accordingly and pass so amended.

THOMAS SHERWIN.

To the legal representative of Thomas Sherwin, deceased, late of Washington County, Maryland, the sum of eight hundred and twenty dollars, for stores and supplies furnished the Army of the United States during the late war, said sum having been fixed by the Quartermaster-General as fair compensation for the same	\$820.00
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First introduced in the Fiftieth Congress.

Favorable reports.—In the Senate: No. 1420, Fifty-first Congress; No. 350, Fifty-third Congress; No. 310, Fifty-fourth Congress; No. 30, Fifty-fifth Congress. In the House: No. 2327, Fifty-fourth Congress.

Passed the Senate in the Fifty-first, Fifty-fourth, and Fifty-fifth Congresses.

Thomas Sherwin, deceased, was in his lifetime in the occupation of a farm in Washington County, Md., and while he was so possessed it was occupied by the troops of the United States, under the command of General Franklin, during the months of September and October, 1862, during which time stores and supplies were taken from him for the use of the troops, as is alleged, to the value of \$1,879.50. This claim was presented to the Quartermaster-General's Office on the 31st day of December, 1879, the day before the statute of limitations against such claims began to run, by the attorney of Samuel Sherwin, the administrator of Thomas Sherwin (the latter being then dead), and was received by the Department, so far as to refer it to an investigating agent, who proceeded to Washington County and took considerable testimony touching the claim.

This agent reported the testimony thus taken to the Department. It clearly proves the loyalty of Thomas Sherwin. The agent fixed the damages at \$820, the sum here allowed.

The case was afterwards suspended in the Third Auditor's Office upon the ground that the claim was not properly presented so as to prevent the running of the statute of limitations, inasmuch as it was only presented by the attorney of the claimant, and only sworn to by him,

without his showing any legal power of attorney to act for the claimant. It was then impossible to present the claim in any form so as to avoid the bar of the statute.

HENRY W. SHIPLEY.

To Henry W. Shipley, the sum of two thousand four hundred and eighty-seven dollars and thirty-eight cents, for work done and material furnished by him in excess of what was required of him by his agreement with the Indian Bureau in the construction of a gristmill and sawmill at Nez Perce Indian Agency, in the Territory of Idaho..... \$2,487.38

First introduced in the Forty-ninth Congress.

Favorable reports.—In the Senate: No. 1416, Forty-ninth Congress; No. 510, Fiftieth Congress; No. 400, Fifty-first Congress; No. 80, Fifty-second Congress; No. 241, Fifty-third Congress, and No. 216, Fifty-fourth Congress. In the House: No. 2215, Fifty-second Congress, and No. 1855, Fifty-fourth Congress.

Passed the Senate in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

The claim of Mr. Shipley originated in a written contract between him and the United States, represented by one Charles D. Warner, an Indian agent, "to erect and furnish the necessary machinery therewith, two buildings known as a saw and flour mill * * * at the Nez Perce Agency, Idaho," July 26, 1880. There were delays in completing the work, caused, in part, as he claims, by the unfriendly conduct and obstructive course of the Indian agent toward him. There were also alterations in the construction of the mills while the work was in progress, rendering additional labor and material necessary, which was furnished in excess of the requirements of the contract, and a failure, as Mr. Shipley alleges, upon the part of the agent to do his part of the work in accordance with the contract, particularly in the proper supervision of the Indian labor, which the Government was bound to furnish and direct without expense to the contractor.

Indian Inspector Monteith, reporting upon the claim soon after its presentation, said:

While I do not pretend to claim that legally he is entitled to additional compensation, still I do not hesitate to recommend additional compensation to the sum of \$4,037.50, being the amount of Mr. Shipley's "supplemental claim," covering services rendered by himself and two sons, which amount falls far short of the contractor's actual loss, in my opinion.

After this Mr. Price, then Commissioner of Indian Affairs, reviewed the items of Mr. Shipley's claim in a letter to the Secretary of the Interior, dated February 12, 1885. He thought that "while the contractor in equity may be entitled to some additional compensation, the amounts claimed under several of the items above mentioned should not be allowed."

In the Fiftieth Congress this committee recommended the allowance of the claim to the extent of \$2,487.38, disallowing Shipley's claim for the labor of himself and sons, and that recommendation is here followed.

MRS. ADELINE SHIRLEY.

To the legal representatives of Mrs. Adeline Shirley, the sum of eight thousand three hundred and forty-eight dollars and fifty-seven cents, in payment for property taken near Vicksburg, Mississippi, for the use of the United States Army, in the year eighteen hundred and sixty-three..... \$8,348.57

First introduced in the Forty-fifth Congress.

S. Rep. 544—6

Favorable reports.—In the Senate: No. 2492, Fifty-first Congress; No. 574, Fifty-second Congress, and No. 1439, Fifty-fourth Congress. In the House: No. 1288, Fifty-first Congress; Nos. 84 and 1657, Fifty-second Congress, and No. 695, Fifty-fourth Congress.

Passed the Senate in the Fifty-second Congress.

This claim is for quartermaster stores, amounting in value to \$8,348.57, alleged to have been taken from a plantation near Vicksburg, Miss., in May, 1863, for the immediate use of the Army of the United States. The amount was assessed by a military commission convened by order of the commanding general of the post of Vicksburg, Gen. James B. McPherson, as soon after the siege of Vicksburg as it could be consistently done, the commission consisting of the following army officers: Edwin S. McCook, colonel Thirty-first Regiment Illinois Infantry; Robert P. Lealy, lieutenant-colonel Forty-fifth Illinois Infantry; George W. Kennard, major Twentieth Illinois Infantry; Lieut. Col. William T. Clark, assistant adjutant-general Seventeenth Army Corps, Department of Tennessee. This commission, after taking testimony, some of the members being actual witnesses to the taking of portions of the property, assessed the amount at the sum here allowed. The loyalty of the Shirley family was marked. General Grant was among those who testified to it.

JAMES SIMS.

To James Sims, of Marshall County, Mississippi, the sum of six thousand three hundred and thirty-eight dollars, for quartermaster and commissary stores furnished the Army of the United States in the years eighteen hundred and sixty-two and eighteen hundred and sixty-three. \$6,338.00

Favorable reports.—In the Senate: No. 661, Fifty-fourth Congress; No. 40, Fifty-fifth Congress. In the House: Reported in the Fiftieth Congress, but the report was not printed; No. 418, Fifty-second Congress; No. 540, Fifty-third Congress; No. 1689, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth and Fifty-fifth Congresses, and the House in the Fiftieth.

During the years 1862 and 1863 the claimant, James Sims, resided about 8 miles from Holly Springs, Marshall County, State of Mississippi, where he owned a plantation. He remained wholly loyal to the Government of the United States during the entire war, giving no aid or comfort to the Confederates. On one occasion during the war one Ray, a member of the Second Iowa Cavalry, under the command of Colonel Hatch, was severely wounded in an engagement near the residence of Sims. The wounded man was carried to Sims's house, where he remained for seven or eight weeks, receiving all the care and attention he required, and after he had sufficiently recovered was taken by Sims to the Federal lines and delivered to the Federal hospital at Lagrange, Tenn.

It further appears that between December 1, 1862, and September 1, 1864, claimant furnished to army officers for the use of the Union Army mules, horses, sheep, pork, vinegar, sugar, molasses, bacon, corn, fodder, hogs, beeves, cord wood, and flour. The following order by Major-General Grant is presented as a part of the case:

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Holly Springs, Miss., January 4, 1863.

Mr. James Sims, living 8 miles southwest of Holly Springs, is authorized to retain four mules and the remainder of stock, grain, and provisions on hand. The United States troops are prohibited from further molesting or taking from Mr. Sims, he having already contributed largely to the support of the Federal Army.

U. S. GRANT, *Major-General.*

In a report made to the Senate in the Fifty-fourth Congress the Committee on Claims said, among other things:

While the evidence in support of this claim, aside from that gathered from the vouchers, is mainly of persons residing on the farm with Mr. Sims, and is not as full and specific as it might be, in view of the fact that claimant is specific in his affidavit in the description of property furnished and of its value, giving day and date, together with the names of the officers to whom furnished, and in view of this order of Major-General Grant, in which he states that claimant had already largely contributed to the support of the Federal Army, your committee are disposed to believe this claim a just one, and therefore report back the bill without amendment and recommend its passage.

HIRAM SOMERVILLE.

To the legal representatives of Hiram Somerville, deceased, late of Marion County, Illinois, the sum of five hundred and five dollars, for supplies furnished by him to the United States	\$505.00
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First introduced in the Forty-ninth Congress.

Favorable reports.—In the Senate: No. 763, Fifty-second Congress; No. 348, Fifty-third Congress; No. 707, Fifty-fourth Congress. In the House: No. 304, Fifty-second Congress; No. 1967, Fifty-third Congress; and Nos. 1249 and 2235, Fifty-fourth Congress.

Passed Senate in the Fifty-second, Fifty-third, and Fifty-fourth Congresses.

This claim is for property taken for the use of General Hunter's army in West Virginia during the civil war. The claim was originally for \$755, and its allowance has been recommended in various sums by the claims committees of both Houses of Congress in almost every Congress since the Fiftieth. The variety of recommendations is due to the absence of vouchers. There is no doubt, however, that Mr. Somerville's estate suffered considerable loss. Somerville himself was a Union soldier, and was a prisoner at Libby at the time the depredations were committed.

WILLIAM A. STARKWEATHER.

To William A. Starkweather, of the State of Oregon, the sum of two thousand one hundred and seventy dollars, being the amount paid by him to Owen Wade for clerk hire in the United States land office at Oregon City while the said Starkweather was register of said land office	\$2,170.00
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First introduced in the Fiftieth Congress.

Favorable reports.—In the Senate: No. 1307, Fifty-second Congress; No. 73, Fifty-third Congress; and No. 81, Fifty-fourth Congress.

Passed Senate in the Fifty-third and Fifty-fourth Congresses.

It appears from the testimony in the case that the claimant, William A. Starkweather, was register of the United States land office at Oregon City, State of Oregon, from the spring of 1861 to 1865, a period of four years; that during this period, owing to the extraordinary mass of business then accumulated in that office, growing mainly out of applications for patents under what is known as the "Oregon donation law," it became absolutely necessary to employ additional clerical force, and that during this period Mr. Starkweather employed as a clerk in his office one Owen Wade; that such employment and service covered twenty-four months and five days; and that he paid Mr. Wade for such services out of his own private funds the equivalent of the amount here allowed, \$2,170.

PETER GRANT STEWART.

To Peter Grant Stewart, of Gervais, Oregon, the sum of seven thousand five hundred dollars, for property owned by him and taken by the United States and included within the military reservation near the mouth of the Columbia River, in Pacific County, then Territory, now State, of Washington, taken under and by virtue of an Executive order dated Washington, District of Columbia, February twenty-sixth, eighteen hundred and fifty-two..... \$7,500.00

First introduced in the Fifty-first Congress.

Favorable reports.—In the Senate: No. 1359, Fifty-second Congress; No. 686, Fifty-third Congress; and No. 82, Fifty-fourth Congress. In the House: No. 1809, Fifty-third Congress.

Passed Senate in the Fifty-third and Fifty-fourth Congresses.

The object of this provision is to pay to Peter Grant Stewart, of Gervais, Oreg., the sum of \$7,500 in full for property owned by him and taken by the United States and included in a military reservation near the mouth of the Columbia River, in Pacific County, Wash., taken under and by virtue of an Executive order dated February 26, 1852. Mr. Stewart was one of the earliest pioneers of the northwestern Pacific Coast, going there in the year 1843, and he purchased from the original claimant certain blocks of land in what was known as the Pacific City donation claim. This claim originated while Washington was under a provisional government, and its location within United States territory was still in dispute; but such claims were generally recognized afterwards by the National Government. Stewart's land, with that belonging to other persons, was taken possession of by the Government for a military reservation in 1852, without regard to his claim of title. He originally asked for \$15,000, but the allowance is reduced to \$7,500.

STOUT, HALL & BANGS.

To W. H. B. Stout, Cyrus J. Hall, and Isaac S. Bangs, late doing business under the style and firm name of Stout, Hall and Bangs, and J. M. Vale, the sum of thirty-one thousand eight hundred and two dollars and fifty-two cents, in payment of the balance due them on a contract entered into with them by the United States of America April twenty-first, eighteen hundred and eighty-eight, for furnishing stone for the walls of the cellar, or subbasement, of the Library building, in the city of Washington, as found by the Secretary of the Interior in his report to Congress (House Document Numbered One hundred and seventeen, first session Fifty-fourth Congress), under the authority conferred upon him by the Act of Congress approved March second, eighteen hundred and ninety-five (Twenty-eighth Statutes at Large, page ninety-four), which sum shall be paid as follows:

To William H. B. Stout	\$16,802.52
To Isaac S. Bangs.....	6,000.00
To Cyrus J. Hall.....	6,000.00
To J. M. Vale.....	3,000.00
Total	31,802.52

Favorably reported to and passed the Senate in both the Fifty-fourth and Fifty-fifth Congresses as an independent bill and in the Fifty-fourth as an amendment to the general deficiency appropriation bill. (See Senate Reports No. 636, Fifty-fourth Congress, and No. 18, Fifty-fifth Congress.)

In giving a history of this claim Hon. Hoke Smith, late Secretary of the Interior, said:

On the 21st day of April, 1888, Stout, Hall & Bangs entered into a contract with the United States to furnish granite for the walls of the cellar or subbasement story of the Congressional Library building, in the city of Washington. The stone

which they were to furnish at the contract price amounted in value to \$257,760. At the time the contract was made by them with the United States they were the owners of two granite quarries in the State of Maine, which were provided with skilled workmen, tools, engines, etc., for conducting their ordinary business of quarrying granite; but in consequence of the shortness of the time in which they were required to furnish this great quantity of stone, and in order to promptly fulfill the said agreement on their part, they made large additional and expensive equipments of said quarries. After these additional preparations had been made they immediately began the work of quarrying stone with the purpose of fulfilling their contract, and very soon thereafter began delivering stone and continued to deliver it promptly up to the 2d day of October, 1888, when, in consequence of the arbitrary annulment of their contract by Congress, the delivery ceased. Their contract with the United States was not annulled for any fault on their part, but because of a change in the plans of the building and the material to be used in its construction.

The firm then went to the Court of Claims with a claim for damages amounting to \$256,334.80. They were awarded and paid \$66,885.25. Under a subsequent act the Secretary of the Interior was directed to investigate and report upon the claim. This Secretary Smith did, making his report to the House of Representatives January 7, 1896 (House Document No. 117, first session Fifty-fourth Congress). Mr. Smith recommended an award to the claimants of \$31,802.52 in addition to the Court of Claims award, which is the amount here allowed.

CHESTER B. SWEET.

To Chester B. Sweet, of California, the sum of one hundred and ninety-eight dollars and sixty-six cents, the same being the amount of the double minimum excess erroneously paid by him to the receiver of the United States land office on preemption cash certificate numbered twelve hundred and ninety-eight, Shasta, California, for lots one, two, and three, and northeast quarter of southwest quarter of section numbered seven, in township numbered forty north, range numbered seven west, Mount Diablo base and meridian, made at Shasta, California, March seventeenth, eighteen hundred and eighty six \$198.66

First introduced in the Fifty-first Congress.

Favorable reports.—In the Senate: In the Fifty-first Congress, but not printed; No. 6, Fifty-second Congress; No. 46, Fifty-third Congress; and No. 308, Fifty-fourth Congress. In the House: No. 787, Fifty-second Congress; No. 1253, Fifty-third Congress; and No. 2925, Fifty-fourth Congress.

Passed the Senate in the Fifty-first, Fifty-second, and Fifty-fourth Congresses.

This is a claim for the refunding of excessive money paid by the claimant on land located in California within the Central Pacific Railroad grant. Mr. Sweet had settled upon the land in 1859, and was therefore entitled to enter at the minimum rate of \$1.25 per acre. By a mistake of the land office officials he was charged \$2.50 per acre. The Commissioner of the General Land Office recommends that the money paid in the excessive exaction be refunded, and this end is here sought to be accomplished.

W. J. TAPP & CO.

To W. J. Tapp and Company the sum of two hundred and forty dollars and ten cents, as a refund of duties erroneously exacted on certain machinery for the manufacture of jute at Louisville, Kentucky, in the year eighteen hundred and seventy-six \$240.10

Favorable reports.—In the Senate: No. 995, Fifty-fourth Congress. In the House: No. 601, Forty-sixth Congress; No. 342, Fiftieth Congress; No. 434, Fifty-first Congress; No. 93, Fifty-second Congress; No. 99, Fifty-third Congress; and Nos. 1927 and 3006, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress and the House in the Fifty-third.

In May, 1876, W. J. Tapp & Co., of Louisville, in the State of Kentucky, manufacturers of goods from jute fiber, imported certain machinery for their business, such machinery not being then made in the United States, to be used by them exclusively in the manufacture of that fiber, and which was adapted to and could be used for no other purpose. By the provisions of section 7 of the act of February 8, 1875, such machinery was entitled, for two years thereafter, to entry free from duty. On the 12th of November, 1875, the Secretary of the Treasury decided that no machinery was exclusively adapted to such manufacture; and the duties and charges, amounting to \$240.10, gold, were paid by them under protest. Other importers of similar machinery pursued the same course. The Secretary of the Treasury subsequently, on the 23d of March, 1877, reversed his former decision and admitted duty free similar machinery imported in October, November, and December, 1875, by Buchanan & Lyall, of New York. Thereafter Tapp & Co. applied to the Department for a rebate of the duties they had paid, and were refused on the ground that they did not appeal from the original decision of the appraiser of customs declaring their machinery dutiable.

T. AND A. WALSH.

To T. and A. Walsh, of New York City, six hundred and twenty-three dollars and fifty-five cents, for materials lost and damages sustained on account of an accident which occurred August eighth, eighteen hundred and ninety-six, to the caisson of dry dock numbered two at the navy-yard, Brooklyn, New York, as estimated and determined by a board of officers of the Navy directed to investigate and report thereupon, the board having found that the damages were not due to any negligence on the part of Messrs. T. and A. Walsh..... \$623.55

Passed the Senate as an amendment to the general deficiency appropriation bill, second session Fifty-fourth Congress. (See page 16 of Deficiency Estimates, House Document No. 250, second session Fifty-fourth Congress.)

THOMAS U. WALTER (HEIRS OF).

To Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased, the sum of fourteen thousand dollars, for services rendered by the testator in connection with any public buildings belonging to the Government, whether as architect, designer, disbursing agent, superintendent, or otherwise \$14,000.00

Favorable reports.—In the Senate: No. 397, Fifty-second Congress; No. 178, Fifty-third Congress; No. 309, Fifty-fourth Congress, and No. 69, Fifty-fifth Congress. In the House: No. 1588, Fifty-second Congress; No. 732, Fifty-third Congress, and Nos. 342 and 1686, Fifty-fourth Congress.

Passed the Senate in the Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses.

This claim was originally in favor of the late Thomas U. Walter, now deceased, who was employed by the President June 11, 1851, as architect to execute the plan for the extension of the Capitol, as authorized by the act of September 30, 1850. The claim grew out of the acceptance of other responsibilities and the performance of other work, in the line of his profession as an architect, for the Government, not enumerated in his letter of appointment and, as Mr. Walter claimed in his lifetime, not included in the duties of that appointment and not compensated for by his regular salary. The principal work of this character was that

of superintendent of construction of the wings of the Patent Office building, for which he prepared the plans. Mr. Walter also appears to have rendered assistance in the line of his profession in the extension of the buildings of the Post-Office and Treasury Departments, and in various works for the War Department, doing much extra service for the Government during the entire period of his incumbency of the office of Architect of the Capitol, which continued from 1851 to 1865. The Committee on Claims in reporting upon this claim in the Fiftieth Congress said:

It is a noticeable fact that during the fourteen years of his employment he made no demand upon the Government beyond his salary, and presented no claim for compensation for any additional work outside of the duties of his first appointment. And no such claim was presented in any formal shape until seven years after he resigned his position as architect. But Mr. Walter states positively that he discharged these duties with the full expectation that he would be entitled to receive a suitable compensation therefor. He states in his memorial, addressed to Congress in 1882, that he was informed at the time he entered upon his duties as "superintendent of the erection of the wings of the Patent Office building" that a salary of \$1,500 per annum was attached to the position. But no similar statement is made as to any of the other additional work.

The committee at that time made an allowance of \$14,000, the amount here provided, which is at the rate of \$1,000 a year. The facts are all set forth in Senate Report No. 69, first session Fifty-fifth Congress.

WINSLOW WARREN.

To Winslow Warren, of Boston, Massachusetts, the sum of five hundred dollars, for services rendered by him under order of the circuit court of the United States for the district of Massachusetts..... \$500.00

Passed the Senate as an amendment to the general deficiency bill in the first session of the Fifty-fourth Congress.

Comptroller Bowler in 1894 disallowed the claim and wrote a letter to Attorney-General Olney asking his concurrence in this judgment. The Attorney-General took the opposite view, and, in a letter to the Secretary of the Treasury (dated December 13, 1894), said:

The services performed by Mr. Warren were in examining the office of the clerk of the circuit court for Massachusetts at a time when the clerk was about to leave the office for service as clerk of the circuit court of appeals; the work consisting in reporting to the court the condition of the clerk's office, of which he had been an incumbent for many years. It is understood that this service was required by Judge Putnam in this case, under the practice of the courts of the State of Massachusetts when a clerk is about to leave his office, so that a successor coming in office may know thoroughly his responsibilities and the condition in which the office is which he is to take upon himself. I would respectfully request you to transmit this matter to Congress for its consideration, in the hope that compensation may be provided, as stated before, as, in my opinion, valuable services were faithfully rendered and ought to meet with the suitable compensation. The judge of the courts should know on such occasion whether the services were required. The opinion of Judge Putnam is strongly stated, and I rely upon that statement as the basis of the recommendation. (See House Document 272, first session Fifty-fourth Congress.)

W. R. WHEATON AND C. H. CHAMBERLAIN.

To William R. Wheaton, ex-register, and to Charles H. Chamberlain, ex-receiver, of the land office at San Francisco, California, jointly, the sum of five thousand eight hundred dollars and ninety-nine cents, and to said William R. Wheaton the sum of seventy-five dollars and eighty-five cents, being a portion of the amount of money deposited in the Treasury of the United States, as fees for testimony which was taken before them by clerks whose compensation was paid from the private funds of said ex-register and said ex-receiver..... \$5,876.94

Favorable reports.—In the Senate: No. 1319, Forty-ninth Congress; Nos. 76 and 2397, Fiftieth Congress; No. 38, Fifty-first Congress; No.

38, Fifty-second Congress, and No. 203, Fifty-third Congress. In the House: No. 3467, Forty-ninth Congress; report not printed, Fiftieth Congress; No. 4017, Fifty-first Congress; No. 686, Fifty-second Congress, and No. 1445, Fifty-fourth Congress. Also see Senate Miscellaneous Document No. 187, Fifty-third Congress, second session.

Passed the Senate in the Forty-ninth, Fifty-first, and Fifty-second Congresses. Passed both Senate and House, first session Fiftieth Congress, but failed to secure the President's signature; again passed both Houses in the second session of the same Congress and was vetoed. Passed the Senate a third time.

The claimants filed the offices, respectively, of register and receiver of public moneys at the land office at San Francisco in the year 1877. Under the provisions of an act approved March 21, 1864, which appear in the Revised Statutes, section 2238, subdivisions 10 and 12, they were allowed, among other fees, to collect from claimants in establishing pre-emption homestead rights for testimony reduced by them to writing. By another section of the law (R. S., sec. 2240) the maximum amount of the compensation of each was limited to \$3,000 per annum, and each of these incumbents received this amount each year while in office. By a ruling of Commissioner Edmunds, made April 18, 1864, which was afterwards rescinded, registers and receivers were advised that fees for the services rendered under the act of March 21, 1864, need not be accounted for, but could be retained as part of their compensation in addition to the maximum amount of \$3,000. Wheaton and Chamberlain acted upon this advice, as other registers and receivers did, and no objection was made until July 9, 1877, when Acting Commissioner Baxter issued a circular letter addressed to this class of officers throughout the country, who were receiving and retaining such fees, directing them to account thereafter from month to month for them as all other fees were accounted for. So far as the record shows and the committee have information, the registers and receivers throughout the country generally complied with the order from the General Land Office, but Wheaton and Chamberlain were not willing to accept the Commissioner's construction of the law. The relief proposed in the present bill amounts to the salary of two clerks for a period of nineteen months, at \$100 a month each. This covers the period during which the claimants were endeavoring to set aside the order of July 9, 1877. It is alleged that they actually had two clerks in their employ during this period.

THOMAS WILLIAMS.

To Thomas Williams, who was injured while in the discharge of his duties as an employee of the Senate folding room in the year eighteen hundred and ninety-two, the sum of one thousand five hundred dollars. \$1,500.00

Favorable reports.—In the Senate: No. 602, Fifty-third Congress, and No. 433, Fifty-fourth Congress. In the House: No. 1518, Fifty-third Congress, and No. 1225, Fifty-fourth Congress.

Passed the Senate at both Congresses.

This is a provision for the payment of damages for injury done an employee of the Senate in a Senate elevator, as set forth in the following affidavit by James L. Silcott:

I was an employee in the folding room of the United States Senate in Washington, D. C., for the year 1892; that I am personally acquainted with Thomas Williams, who was then an employee in said folding room; that on or about the 5th day of August, 1892, in the discharge of his duty, the said Thomas Williams was assisting in the transfer of mail from the said folding room to the floor above; at about 2 o'clock p. m. of said day I started with said Williams and a truck load of mail,

consisting of ten or fifteen bags of mail matter; we together conveyed it to and into the elevator in the northwest wing of the Senate and said elevator was started; that while ascending the foot of said Williams was caught in a projection where the elevator works, and before the elevator could be reversed he was badly injured. His shoe was immediately cut from his foot and his heel was found crushed, so that he was unable to use his foot. I then procured a carriage and conveyed him to his residence, where he was confined to his bed for several months. During his confinement from the injury I visited him repeatedly, and he was unable to walk for about five months.

Williams files an affidavit, supported by one from his physician, stating that he is still incapacitated from work by the accident.

WILLIAM F. WILSON.

To William F. Wilson, of Berkeley County, West Virginia, the sum of one thousand five hundred and thirty dollars, for the use and value of his house at Harpers Ferry, Jefferson County, West Virginia, during the war of the rebellion..... \$1,530.00

Favorable reports.—In the Senate: No. 2099, Fiftieth Congress; No. 88, Fifty-first Congress, and No. 96, Fifty-second Congress. In the House: No. 462, Fifty-second Congress.

Passed the Senate in the Fifty-second Congress.

The claimant in this case, Mr. William F. Wilson, was at the time this claim originated a resident of Harpers Ferry, W. Va., and the owner of a one-and-a-half story brick dwelling and of the lot on which it was built, situated upon a hill known as Camp Hill, overlooking the town. The claim is instituted for the purpose of recovering the sum of \$1,530, alleged to be the amount due the claimant for the use and occupation of his premises and for the destruction of his dwelling, etc., by United States troops during the civil war. Of this amount \$330 is for rent, and the remainder, \$1,200, for the building, which was destroyed by the United States troops. The amount allowed is the same estimated by Special Agent Thomas P. Chiffelle, who investigated the matter at the instance of the Quartermaster-General. Wilson was foreman of the armory at Harpers Ferry and unquestionably loyal.

SARAH H. WOOD.

To Mrs. Sarah H. Wood, widow, of the city of Baltimore, Maryland, the sum of one thousand three hundred and forty-four dollars and forty-four cents, said sum being the proceeds of two thousand two hundred and forty dollars and seventy-four cents in legal money taken from the bank of Louisiana, at New Orleans, Louisiana, by Captain J. W. McClure, assistant quartermaster, under military order numbered two hundred and two, Department of the Gulf, dated August seventeenth, eighteen hundred and sixty-three, and by him turned over to Colonel S. B. Holabird, chief quartermaster of that department, and by him disbursed and accounted for to the Treasury..... \$1,344.44

Favorable reports.—In the Senate: No. 1500, Fiftieth Congress; No. 198, Fifty-first Congress, and No. 596, Fifty-fourth Congress. In the House: No. 1446, Forty-ninth Congress; Nos. 155 and 2953, Fiftieth Congress; Nos. 107 and 1158, Fifty-first Congress; No. 2156, Fifty-second Congress, and No. 776, Fifty-fourth Congress.

Passed the Senate in the Fiftieth and Fifty-first Congresses.

Mrs. Sarah H. Wood, the claimant, is a widow, now living in Baltimore, Md. In the year 1863 she resided in Louisiana, in the city of New Orleans, where she took the oath of allegiance required under General Orders, No. 41, Department of the Gulf. She had at that time on deposit in the Bank of Louisiana \$2,240.74. This fund consisted of notes of the bank. September 11, 1863, this money, with money of other depositors in the bank, was seized under General Orders, No. 202, Department of the Gulf, "requiring the several banks and banking

associations of New Orleans to pay over to the chief quartermaster of the Army, or to such officers of his department as he might designate, all money in their possession belonging to or standing upon their books to the credit of any person registered as an enemy of the United States or engaged in the military, naval, or civil service of the so-called Confederate States, or who should have been or might thereafter be convicted of rendering any aid or comfort to the enemies of the United States." The funds thus taken were sold, realizing to the Government 60 per cent of their face value. It is proposed to refund the money thus realized to Mrs. Wood. The facts are to be found in House Executive Document No. 101, first session Forty-ninth Congress.

G. M. WOODRUFF.

To G. M. Woodruff the sum of one hundred and fifty dollars, for one horse taken from him by the United States, to be put into the service thereof, in eighteen hundred and sixty-five \$150.00

Favorably reported to and passed the Senate in the Fiftieth Congress. (Senate Report No. 2368, Fiftieth Congress.) Adversely reported to the Senate in the Forty seventh Congress. (Senate Report No. 937, Forty-seventh Congress.)

This is a claim for a horse alleged to have been taken by the United States, put into the military service in the year 1865, and before the end of the war of the rebellion, and thereby lost to the claimant. The claimant has presented a certificate given by a United States officer of the taking of the horse for the public service and of the value thereof, to wit, \$150. The loyalty of Woodruff is clearly proven.

DANIEL WOODSON AND ELY MOORE.

To the estate of Daniel Woodson, deceased, late receiver of public moneys in the Delaware land district of Kansas, the sum of one thousand one hundred and sixty-two dollars and forty-six cents, for office expenses, and to the estate of Ely Moore, deceased, late register of the land office in the Pawnee land district of Kansas, the sum of four thousand one hundred and fifteen dollars, for clerk hire and office rent, both under the seventh section of the Act of August eighteenth, eighteen hundred and fifty-six, reported to Congress by the Secretary of the Interior for appropriation in accordance with said Act..... \$5,277.46

Favorable reports.—In the Senate: No. 959, Fifty-fourth Congress, and No. 161, Fifty-fifth Congress. In the House: No. 880, Fifty-second Congress, and No. 546, Fifty-third Congress.

Passed the Senate in the Fifty-fourth Congress.

The bill provides for the payment to the estate of Daniel Woodson, deceased, late receiver of public moneys in the Delaware land district, of Kansas, the sum of \$1,162.46, office expenses incurred in accordance with the seventh section of the act of Congress approved August 18, 1856, and to the administrator of the estate of Ely Moore, deceased, late register of the land office in the Pawnee land district, of Kansas, the sum of \$4,115, for expenses of clerk hire and office rent made under this act. This act provided—

That in the settlement of the accounts of registers and receivers of the public land offices the Secretary of the Interior be, and he is hereby, authorized to allow, subject to the approval of Congress, such reasonable compensation for additional clerical services and extraordinary expenses incident to said offices as he shall think just and proper, and report to Congress all such cases of allowance at each succeeding Congress, with estimates of the sum or sums required to pay the same. (Stat. L., Vol. II, p. 91.)

Under this act Mr. Woodson appears to have been entitled to \$1,162.46 and Mr. Moore to \$4,115, which sums were never appropriated for nor paid.

PIUTE INDIAN CLAIMS.

To the following named persons, or their heirs or legal representatives, the several sums respectively mentioned in connection with their names, for services rendered, moneys expended, indebtedness incurred, and supplies and necessities furnished in repelling invasions and suppressing outbreaks and hostilities of the Piute Indians within the territorial limits of the present State of Nevada in the year eighteen hundred and sixty, namely: Kate Miot, one hundred and fifty dollars; Ellen E. Adams, seven hundred and forty dollars; William H. Naleigh, three hundred and eighty-five dollars; John T. Little, two hundred and nineteen dollars; A. G. Turner, nine hundred and seventy-nine dollars; Oscar C. Steele, three hundred and twenty-six dollars; Samuel Turner, three hundred and seven dollars; J. H. Mathewson, three hundred and fifty dollars; Charles Shad, three hundred and twenty-seven dollars; Theodore Winters, one thousand five hundred and forty-nine dollars; J. F. Holliday, ninety-five dollars; Franklin Bricker, one hundred and fifty-two dollars; George Seitz, one hundred and twenty dollars; B. F. Small, one hundred and ten dollars; Purd Henry, one hundred and fifty-seven dollars; Andrew Lawson, two hundred and sixty-six dollars; Louis B. Epstein, two hundred and sixty-nine dollars; John Q. A. Moore, five hundred and eighty dollars; Lucy Ann Hetrick, four hundred and five dollars; Charles C. Brooks, one hundred and fifty-two dollars; Lizzie J. Donnell, heir of Major William M. Ormsby, one thousand eight hundred and twenty-five dollars; J. M. Gatewood, one thousand and forty-four dollars; Seymour Pixley, three hundred and five dollars; J. D. Roberts, three thousand two hundred and thirty-one dollars; H. P. Phillips, two hundred and sixty-nine dollars; J. M. Horton, ninety-five dollars; George Hickox Cady, one hundred and sixty-eight dollars; James H. Sturtevant, five hundred and thirteen dollars; Gould and Curry Mining Company, one thousand dollars; John H. Tilton, five hundred and nineteen dollars; R. G. Watkins, two hundred and ninety dollars; J. L. Blackburn, seven hundred and sixty-three dollars; John O. Earl, seven hundred and fifty dollars; L. M. Pearlman, three thousand one hundred and thirty dollars; Robert Lyon, one thousand six hundred and ninety-four dollars; Thomas Marsh, one hundred and fifty dollars; Abraham Jones, three hundred and ten dollars; A. McDonald, seven hundred and fifty dollars; G. H. Berry, one hundred and thirty dollars; Robert M. Baker, one hundred and seventy-one dollars; P. S. Corbett, ninety-five dollars; John S. Child, five hundred and five dollars; Benjamin F. Green, two hundred and twenty-five dollars; Alexander Crow, ninety-five dollars; Mary Curry, widow of Abe Curry, five hundred dollars; Warren Wasson, four hundred and ninety-nine dollars; Michael Tierney, one hundred and forty-five dollars; Samuel T. Curtis, five hundred and ninety dollars; J. Harvey Cole, two hundred and two dollars; Isaac P. Lebo, three hundred and thirty-four dollars; E. Penrod, six hundred and sixty-four dollars; J. B. Preusch, ninety-five dollars; Wellington Stewart, four hundred dollars. Total \$29,094.00

First introduced in the Forty-eighth Congress. Favorably reported to and passed the Senate in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses; favorably reported to the House in the Fiftieth, Fifty-first, and Fifty-second Congresses.

Reports.—Senate: No. 952, Fiftieth Congress; No. 1285, Fifty-first Congress; No. 21, Fifty-second Congress; Nos. 197 and 232, Fifty-third Congress, and No. 144, Fifty-fourth Congress. House: No. 3491, Fiftieth Congress; No. 3185, Fifty-first Congress, and No. 117, Fifty-second Congress.

The claim grows out of the Piute war, which occurred soon after the discovery of the Comstock lode, and which resulted in the killing of a number of white persons.

The origin of the claim is briefly explained by a memorial from the Nevada legislature to Congress, dated December 19, 1862, as follows:

Your memorialists, the governor and legislative assembly of the Territory of Nevada, respectfully represent that during the winter and spring of 1860 the Indians inhabiting what was at that time the western portion of Utah Territory, now organized as Nevada Territory, became hostile toward the white settlers, and that in consequence of the massacres being committed it became necessary, in order to save the settlements from annihilation, to employ not only the few United States troops within reach, but to call for aid from the neighboring State of California, and to accept the services of considerable numbers of volunteers from that State, who generously came to the rescue; that this occurred at a time when the transportation of forage and provisions over the snows of the Sierra Nevadas was almost impossible. Supplies for the necessities of volunteers and others became exceedingly scarce, and rose to extraordinary prices. Persons who had transported provisions at a great toil and expense ministered most generously to the wants of the troops; and others, under that "necessity which knows no law," submitted to forced contributions. Many horses and other animals were taken for the use of the expedition, for which no recompense has ever been made. Much of these supplies were accredited at the time, but we believe as yet no provision has been made for the payment thereof, and the losses thus incurred fall with crushing weight on many worthy individuals, who were deprived of almost their entire substance.

The claims number fifty-three, and the aggregate of the amounts is \$29,094.

PRIVATE DIES.

To the following-named persons or companies to refund internal-revenue taxes illegally collected from owners of private dies, the amounts mentioned in connection with each name, or so much as may be found due by the accounting officers of the Treasury Department, to wit: To American Match Company, of Cleveland, Ohio, three hundred and fifty-eight dollars and sixty-three cents; Doctor J. C. Ayer and Company, eight thousand four hundred and thirty-five dollars; Barclay and Company, two hundred and eleven dollars and twenty-five cents; B. Bendel and Company, five hundred and eighty-four dollars and seventeen cents; William Bond, forty dollars; B. Brandreth, one thousand nine hundred and sixty-five dollars; Bocket and Newton, two hundred and eighty dollars; Frederick Brown, five hundred and twenty-one dollars and seventy-one cents; Joseph Burnett and Company, two hundred and forty-nine dollars and ninety cents; Byam, Carlton and Company, twenty-eight thousand two hundred and forty dollars and seventy-five cents; Centaur Company, thirty-nine dollars and fifty-eight cents; Clark Match Company, nine hundred and seventy dollars; Cowles and Lech, one thousand and eighty-four dollars and fifty-two cents; Curtiss and Brown, twenty-four dollars; M. Daily, four thousand three hundred and ninety-five dollars; James Eaton, four thousand five hundred and five dollars; P. Eichele and Company, seven thousand four hundred and twenty-seven dollars and seventy-two cents; Excelsior Match Company, three hundred and ninety-eight dollars and twenty-seven cents; B. A. Fahenstock and Company, one hundred dollars; Fleming Brothers, one thousand three hundred dollars; William Gates, twenty-three thousand one hundred and four dollars and eighty-one cents; A. J. Griggs, one thousand three hundred and fifty-eight dollars and seventy-five cents; R. P. Hall and Company, two thousand and fifty dollars; Samuel Hart and Company, two thousand eight hundred and sixty-one dollars; J. E. Hethrington, ninety-five dollars; Hiscox and Company, twelve dollars; C. E. Hull and Company, eighty-one dollars and ninety-six cents; Thomas J. Husband, one hundred and fifty-four dollars and seventy cents; P. T. Ives, eighty-five dollars and ninety-five cents; Doctor D. Jayne and Son, four thousand three hundred and twenty-one dollars; J. S. Johnson and Company, two hundred and seventy-nine dollars and seventy-five cents; Johnston, Holloway and Company, one hundred and two dollars; Kennedy and Company, one hundred and twenty-six dollars and sixty-six cents; Lawrence and Cohen, two thousand eight hundred and sixty-two dollars; C. S. Leete, five hundred and five dollars and ninety-one cents; John J. Levy, one thousand one hundred and fifty-three dollars and twenty cents; C. W. Lord (Lord and Robinson), one thousand three hundred and twenty-eight dollars and twenty-seven cents; Andrew S. Lowe, fifty-one dollars; Doctor J. H. McLean, nine hundred and seventy dollars; Merchants' Gargling Oil Company, five hundred and thirty-six dollars and twenty-nine cents; A. Messenger, four thousand eight hundred and ninety-five dollars; Newbauer and Company, four hundred and eighty dollars; New York Consolidated Card Company, two hundred and fifteen dollars; Ray V. Pierce, nine hundred and sixty-nine dollars and twenty-two cents; D. Ransom, Son and Company, seven hundred and forty-eight dollars and twenty cents; D. M. Richardson, twenty thousand nine hundred and fifty-five dollars; Richardson Match Company, four thousand seven hundred and thirty dollars and fifty cents; H. and W. Roeber, nine hundred and fifty-eight dollars and ninety-one cents; William Roeber, two thousand eight hun-

dred and four dollars; J. H. Schenck and Son, one thousand two hundred and eighty-four dollars; Schmitt and Schmittdie, two thousand two hundred and eighty-two dollars and nine cents; J. E. Schwartz and Company, ninety dollars; Schwartz and Haslett, one hundred and fifty dollars; A. L. Scoville and Company, seven hundred and eighty-four dollars; H. Stanton, three thousand one hundred and sixty-three dollars and twenty-five cents; Swift and Courtney, four thousand six hundred and fifty dollars; Herman Tappan, five dollars; E. R. Tyler, forty-five dollars; A. Vogeler and Company, two hundred and sixty-five dollars and fifty cents; James H. Weedon, eight hundred and ninety-five dollars; World's Dispensary Medical Association, thirty dollars and forty cents. Total..... \$153,526.37

Favorable reports.—In the Senate: No. 1574, Fiftieth Congress; No. 321, Fifty-first Congress; and No. 119, Fifty-second Congress. In the House: No. 1107, Fiftieth Congress, and No. 1519, Fifty-second Congress.

Adverse report.—House Report No. 3955, Fifty-first Congress.

Passed the Senate in the Fifty-first and Fifty-second Congresses.

This is a consolidated claim by various firms and individuals against the Government for the payment of certain moneys deducted from the commission allowed by law to certain persons who furnished their own private dies for printing revenue stamps. The internal-revenue acts allowed a commission of 10 per cent in certain cases in favor of persons who furnished their own dies and purchased "at one time" stamps to the amount of "over \$500" (Rev. Stat., sec. 3425). But the internal-revenue officers adopted an interpretation of these statutes which allowed and paid such commissions in stamps, which was equivalent to 9 per cent only in such cases. One per cent of the commission allowed was thus withheld. The pretext for this action was that the commission of 10 per cent which the statutes allowed on the purchase of stamps was payable not in money by abatement from the face value of the stamps purchased, but in stamps at their face value.

The practice of withholding this part of the commission was not abandoned until 1882, nor until after it was discountenanced and declared illegal by two decisions of the United States Supreme Court. When these decisions were recorded, the Treasury Department, which had withheld the commissions, found itself without means to refund them. There is no appropriation available for the purpose; and, besides, the commissions having been withheld by the predecessors of the present incumbents of the Treasury offices, the account can not now be reopened, under the rules of the Department, without authority of law. The Treasury Department under former administrations has approved the enactment of a law to provide the means for the payment of the commissions.

According to a statement made February 2, 1888, by the then Acting Commissioner of Internal Revenue, the total amount withheld under the Treasury Department's construction of the law was \$515,000. Of this sum \$164,857.41 has been paid on account of judgments of the Court of Claims, leaving the difference still unpaid.

In the Fifty-first Congress the House Committee on Claims made an adverse report upon this bill, as follows:

Your committee, having very exhaustively examined and considered the evidence in this claim, report that, in the judgment of the majority of the committee, no sufficient reason exists which calls upon Congress to grant the legislation requested. Whatever right to commissions was once held by the owners of private dies, a majority of the committee think, has been lost to them by reason of their own laches; and, in our judgment, no good reason can be given why the bar of the statute of limitations should be removed.

On the other hand, the Senate Committee on Claims in the Fifty-first Congress made a favorable report on the bill, making, among other points, the following:

The Supreme Court of the United States decided unanimously that the money asked for by this bill was wrongfully taken from the owners of private dies. Three Secretaries of the Treasury, three Commissioners of Internal Revenue, and the present First Comptroller of the Treasury have all signified their approval of some measure that will enable the accounting officers of the Treasury to return this money to its legitimate owners. The bill was drawn up at the Treasury, and meets the approval of the accounting officers, and your committee, having examined into the matter very carefully, after taking into consideration the amount involved, have unanimously decided to report back the bill and recommend its passage.

For a recent statement by the Treasury Department concerning these claims see Exhibit C.

The aggregate amount of the claims allowed is \$153,526.37.

UTAH CLAIMS.

To the persons, firms, and corporations hereinafter named, the amount respectively placed opposite their names, the said amounts having been illegally assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the district of Utah in eighteen hundred and seventy-eight and eighteen hundred and seventy-nine as a tax of ten per centum on notes used for circulation and paid out, such tax having been held illegal by the Supreme Court of the United States: American Fork Cooperative Mercantile Institution, three hundred and twenty-four dollars; Alpine Cooperative Mercantile Institution, twenty-seven dollars and twenty-five cents; Big Cottonwood Cooperative Mercantile Institution, one hundred and twenty-six dollars; Beers and Driggs, one hundred and fifty-two dollars and fifty cents; Beers and Lafevre, twenty-five dollars; James Chipman, two hundred and seventeen dollars and eighty cents; Canaan Cooperative Stock Company, three hundred and fifty-seven dollars and eighteen cents; Alfred Dunkley, seventy-nine dollars and twenty cents; Ephraim United Order Mercantile Institution, one hundred and eighty dollars; Fillmore Cooperative Institution, ninety-six dollars and eighty-six cents; Fur Traders' Union, fifteen dollars; Fountain Green Cooperative Mercantile Institution, ninety dollars; Fairview Cooperative Mercantile Institution, one hundred and sixty-four dollars; Freshwater and Son, fifty-four dollars; E. W. Fox and Company, seventy-two dollars; Goshen Cooperative Mercantile Institution, one hundred dollars; Grantsville Cooperative Mercantile Institution, one hundred and one dollars and twenty-five cents; Goodwin Brothers, one hundred and eighty dollars; Glenwood Cooperative Mercantile Institution, forty-five dollars; Gunnison Cooperative Mercantile Institution, ninety dollars; Heber City Cooperative Mercantile Institution, sixty-three dollars; Hancock and Son, one hundred and thirty-five dollars; Logan Branch of Zion's Cooperative Mercantile Institution, four thousand eight hundred and fifty-two dollars and forty-two cents; Moroni Cooperative Mercantile Institution, one hundred and forty-four dollars; Mount Pleasant Cooperative Mercantile Institution, one hundred and eighty dollars; Midway Cooperative Mercantile Institution, three dollars and seventy-five cents; Mill Creek Cooperative Mercantile Institution, thirty-six dollars; Manti Cooperative Mercantile Institution, one hundred and sixty-six dollars; Monroe Cooperative Mercantile Institution, eighteen dollars; Newton Cooperative Mercantile Institution, three dollars and sixty cents; Nephi Cooperative Mercantile Institution, one hundred and eighty dollars; N. P. Neilson, ten dollars and fifty cents; S. J. Neilson, nine dollars and forty-five cents; People's Cooperative Mercantile Institution, three hundred and twenty-four dollars; Pleasant Grove Cooperative Mercantile Institution, one hundred and fifty-three dollars; Provo Cooperative Mercantile Institution, one hundred and eighty dollars; Provo West Branch Cooperative Mercantile Institution, ninety dollars; Payson Mercantile Association, one hundred and sixty-five dollars; Payson Branch Mercantile Association, one hundred and twenty-two dollars and twenty-five cents; Quinn, Larsen and Company, eighteen dollars; Richmond Cooperative Mercantile Institution, three hundred and sixty dollars; Saint George Lady's Cooperative Mercantile Institution, twenty-seven dollars and fifty cents; Saint George Cooperative Mercantile Institution, two hundred and seventy dollars; South Cottonwood Cooperative Mercantile Institution, thirty-six dollars; Smithfield Cooperative Mercantile Institution, twenty-five dollars; Spanish Fork Cooperative Mercantile Institution, three hundred and sixty dollars; Salem Cooperative Mercantile Institution, four dollars and fifty cents; Sanpete County Cooperative Mercantile Institution, one hundred and forty-four dollars; United Order Building and Manufacturing Company, five

hundred and five dollars; Windsor Castle Stock Growing Company, three hundred and eighty-three dollars and ninety-six cents; Wells-ville Cooperative Mercantile Institution, two hundred and thirteen dollars and fifty cents; Willard Cooperative Mercantile Institution, forty dollars; George A. Waterman, thirty-eight dollars and thirty cents; Zion's Cooperative Rio Virgin Manufacturing Company, three hundred and twenty-five dollars. Total..... \$12,125.75

This is a provision for the refunding of revenue taxes illegally assessed against and collected from certain persons, firms, and corporations of the present State of Utah. The tax consisted of a levy of 10 per cent upon notes used as circulation, and was assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the Utah district in the years 1878 and 1879. The total amount collected on these assessments was \$37,015.37, of which sum \$24,889.60 was refunded, leaving \$12,125.75 still unpaid and held in the United States Treasury. The provision here inserted is for the payment of this remainder.

The assessments were in fact not made on notes subject to the tax of 10 per cent under the statute, but upon orders to deliver merchandise at retail, and were illegal, as subsequently decided by the Supreme Court of the United States in the case of *O. J. Hollister, Collector, v. Zion's Cooperative Mercantile Institution*. (111 U. S., 62.)

Of the total collected, the amount of \$10,224 assessed against the Brigham City Mercantile and Manufacturing Association, the amount of \$12,081.80 assessed against the Zion's Cooperative Mercantile Institution, and the amount of \$2,575.80 assessed against the Provo Manufacturing Company were refunded—that is, the larger establishments, which were able to and did employ attorneys were enabled, through the courts, to enforce the refunding of the moneys illegally exacted, while the smaller concerns, located mostly in remote country towns, where legal assistance could not be procured, failed to take the requisite steps within the limited time to enforce collection of their claims. In such cases the claimant is required to sue within two years after payment. But before suit can be brought an appeal must first be made to the Commissioner and his decision obtained, unless such decision is delayed more than six months. The claimants named in the provision failed to get in their appeal to the Commissioner in time to enable them to begin suit within the two years.

It is submitted that as the larger sums have been refunded, it is but just that all should be repaid, as the moneys collected clearly did not belong to the Government. The expense of making an appeal to the Commissioner at Washington, and of commencing and prosecuting suit through the courts, would, in most of the cases, have exceeded the amounts illegally exacted. Under the circumstances, these parties were remediless for the wrong perpetrated.

S. Rep. 544—7

TREASURY SETTLEMENTS.

SUN MUTUAL AND OTHER INSURANCE COMPANIES.

To the Sun Mutual, Commercial Mutual, Atlantic Mutual, and the assignees of the Washington Marine Insurance companies, of New York, the sum of twenty-three thousand six hundred and sixty-one dollars and sixty-seven cents, to pay the amounts found to be due by the proper accounting officers of the Treasury, and certified by the Secretary of the Treasury in Senate Document Numbered One hundred and seventy-eight, Fifty-fourth Congress, first session, and reported to the Senate in Senate Document Numbered Fifty-one, Fifty-fourth Congress, second session \$23,661.67

Passed the Senate as an amendment to the general deficiency bill in the second session of the Fifty-fourth Congress.

The Senate document (No. 178) referred to is as follows:

TREASURY DEPARTMENT, *March 18, 1896.*

SIR: In obedience to Senate resolution of the 16th instant, I have the honor to report the claims therein referred to as follows:

Settlement No. 4813:

To the Sun Mutual Insurance Company, New York	\$5,860.00
To the Commercial Mutual Insurance Company, New York.....	2,441.67
To the Atlantic Mutual Insurance Company, New York	5,860.00
To the assignees of Washington Marine Insurance Company, New York	4,500.00
Total.....	18,661.67

Settlement No. 9657:

To the assignees of Washington Marine Insurance Company, New York	5,000.00
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Respectfully, yours,

S. WIKE, *Acting Secretary.*

The PRESIDENT OF THE SENATE.

EUREKA AND GLOBE MUTUAL INSURANCE COMPANIES.

For payment of certain Treasury settlements heretofore certified to Congress, numbered ninety-six hundred and fifty-eight and ninety-six hundred and ninety-six, and reported in House Executive Document Numbered Two hundred and thirty-four, page twelve, Fifty-third Congress, third session, eight thousand five hundred dollars..... \$8,500.00

The claim passed the Senate as a part of the general deficiency bill in the second session of the Fifty-fourth Congress. The claimants are the Eureka Insurance Company, of Pittsburg, Pa. (William L. Jones, receiver), and the Globe Insurance Company, of St. Louis, Mo. (Gilbert Elliott, receiver).

PHENIX INSURANCE COMPANY.

For payment of Treasury settlement numbered fifty-three hundred and one, certified in Senate Executive Document Numbered Forty, Fifty-third Congress, third session, five thousand dollars..... \$5,000.00

Passed the Senate as an amendment to the general deficiency bill in the second session of the Fifty-fourth Congress. The Phoenix Insurance

Company, of New York, is the beneficiary. Senate Ex. Doc. No. 40, of the third session of the Fifty-fourth Congress, contains a full statement of the case.

INSURANCE.

For payment of Treasury settlement numbered five thousand, certified in Senate Executive Document Numbered Five, page two, Fifty-third Congress, third session, ten thousand dollars..... \$10,000.00

Passed the Senate in the second session of the Fifty-fourth Congress as an amendment to the general deficiency bill.

This is one of several claims made on settlements, aggregating \$63,000, which were made by the accounting officers in favor of certain insurance companies for amounts that had been insured and paid by them upon steamboats navigating the Western rivers that had been lost while in the military service of the Government under circumstances that rendered the Government liable to pay the value of the lost vessel to such persons as sustained damages by the loss, under the provisions of the act of March 3, 1849. (See Senate Ex. Doc. No. 5, third session Fifty-fourth Congress.)

INSURANCE COMPANIES.

To pay the claims (Treasury settlements) certified in Senate Document Numbered Sixty, second session Fifty-fourth Congress, twenty-three thousand dollars and thirty-three cents..... \$23,000.33

This claim also passed the Senate as an amendment to the general deficiency appropriation bill in the second session of the Fifty-fourth Congress.

The claims were allowed by Second Comptroller Upton and Acting Second Comptroller Delano in favor of sundry insurance companies for amounts paid upon the loss of steamboats, which were settled for under the act of March 3, 1849. The document referred to in the provisions of the bill quoted (Senate Doc. No. 60, second session Fifty-fourth Congress) gives the names of companies benefited and the amount each would receive.

SPANISH-AMERICAN COMMISSION.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of fourteen thousand four hundred and eighty-five dollars and fifty cents, to enable the Secretary of State to distribute and pay to the claimants, respectively, their heirs or assigns, the sums due them upon a balance of net increment received by the United States, which sum remains unpaid upon said claims, as they were ascertained and allowed by the Spanish and American Claims Commission, which claims are stated and the sum of money due upon each of them is ascertained and stated in Exhibit B, accompanying the message of the President to the Senate of the United States, dated February twenty-seventh, eighteen hundred and eighty-eight, and published in Senate Executive Document Numbered Ninety-three, Fiftieth Congress, first session, fourteen thousand four hundred and eighty-five dollars and fifty cents..... \$14,485.50

The claim passed the Senate as a part of the general deficiency appropriation bill in the second session of the Fifty-fourth Congress. The provision here is for the payment of the profit earned by the investment of 5 per cent of the awards from Spain in American securities, the 5 per cent in each case being withheld from 1877 to 1885. The aggregate amount is \$14,485. Of this sum, \$10,649 would go to Joaquin G. de Angarica and \$2,147.67 to Joaquin M. Delgado, the remaining amount being distributed among thirty-four claimants, in sums ranging from \$1.70 to \$386.

FOR INVESTIGATION AND SETTLEMENT.

BROWNLOW AND OTHERS—KNOXVILLE WHIG.

That the Attorney-General be, and he is hereby, authorized and directed to investigate the claims of the legal representatives of W. G. Brownlow, Brownlow and Hawes, and Brownlow, Hawes and Company, late owners and proprietors, respectively, of the Knoxville Whig, a newspaper published at Knoxville, in the State of Tennessee, for advertising certain legal notices alleged to have been advertised in said paper in the years eighteen hundred and sixty-four, eighteen hundred and sixty-five, eighteen hundred and sixty-six, eighteen hundred and sixty-seven, and eighteen hundred and sixty-eight, and to ascertain whether such services were rendered as claimed, or any part thereof, and if so, the value thereof; and also whether the same, and if so, to what extent, is either a legal or equitable claim against the United States; and if any sum is so found to be due and owing the claimants, or any of them, and the same is a legal or equitable claim against the United States, to certify such facts, together with the amount, to the Secretary of the Treasury, who is hereby authorized and directed pay to such claimants or their legal representatives the full amount so ascertained, out of any moneys in the Treasury not otherwise appropriated; and such sum or sums of money which may be thus found to be legally or equitably due shall, when paid, be in full satisfaction and discharge of all claims for compensation by said claimants, or any of them, for any such service against the United States, which amount is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the aggregate sum paid shall not exceed two thousand seven hundred and fifteen dollars..... \$2,715.00

Favorable reports.—In the Senate: No. 2493, Fifty-first Congress; No. 1239, Fifty-second Congress; No. 785, Fifty-third Congress, and No. 371, Fifty-fourth Congress. In the House: No. 2360, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress.

Mrs. Eliza A. Brownlow, the claimant, is the widow and executrix of William G. Brownlow, deceased, late of Tennessee, and her claim is for the sum of \$900, alleged to be due the estate for publishing certain legal monitions in Brownlow's Knoxville Whig, a newspaper published in Knoxville, Tenn., at various times from January 4 to December 14, 1864. These monitions were published in pursuance of orders of the circuit court of the United States for the eastern district of Tennessee. It also appears that the claims as originally presented to the Government for allowance consisted not only of the one in favor of the estate of William G. Brownlow for \$900, but also of one in favor of Brownlow & Hawes for advertising similar monitions in the same paper from July 22, 1865, to July 22, 1868, amounting to \$915. A similar claim, also, is made by Brownlow, Hawes & Co., these parties, respectively, at different times, being owners of the Knoxville Whig, a newspaper published at Knoxville, Tenn.

WILLIAM J. BRYAN.

That the proper accounting officers be, and they are hereby, authorized and directed to allow William J. Bryan, late postmaster of the post-office of San Francisco, State of California, in settlement of his postal

money-order fund account, a credit for the sum of nine thousand six hundred and one dollars and seventy-three cents, the same being a sum now charged to the said William J. Bryan as postmaster of said post-office for moneys received at said post-office for the sale of foreign money orders at said post-office between the thirtieth day of September, anno Domini eighteen hundred and eighty-nine, and the twenty-second day of March, anno Domini eighteen hundred and ninety, by one James S. Kennedy, late a clerk at the international desk in the money-order division of said post-office, whose duty it was to receive, safely keep, and account for the proceeds of the sale of foreign money orders, but who embezzled and appropriated the same to his own use, and has wholly failed to account for the same \$9,601.73

First introduced in the Fifty-first Congress.

Favorable reports.—In the Senate: No. 595, Fifty-fourth Congress. In the House: No. 1198, Fifty-second Congress.

Passed Senate in the Fifty-fourth Congress.

The provision in this case is to allow William J. Bryan, late postmaster at San Francisco, Cal., a credit to the amount of \$9,601.73, this being the sum now charged against Bryan for moneys received at the San Francisco post-office for the sale of foreign money orders between the 30th day of September, 1889, and the 22d day of March, 1890, by one James S. Kennedy, who was a clerk at the "international desk" in the money-order division of the post-office, and whose duty it was to receive, safely keep, and account for the proceeds of the sale of foreign money orders, but who appropriated the same for this period to his own use.

Mr. Bryan was postmaster of San Francisco from August, 1886, to June 30, 1890. When he entered upon the discharge of the duties of his office, one James S. Kennedy, a civil-service clerk, had charge of the "foreign desk" in the register's office. A vacancy occurred in the money-order division and Kennedy was promoted from the registry division to the money-order division. While discharging the duties of the latter office Kennedy embezzled this money. It appears that the desk presided over by Kennedy was so overcrowded with work that he was unable to keep up with it, and that consequently his accounts fell behind. Notwithstanding Mr. Bryan's urgent appeal for assistance in this work, an additional clerk was not allowed for almost a year. Assistant Postmaster Carr writing of the case, says:

Kennedy's opportunity and temptation to embezzle came out of the fact that it was a physical impossibility for him to keep his work up, and that this fact was recognized by all who had any knowledge of this division and of his desk. Discovering that the excuse for his accounts being behind was reasonable and plausible, and that there was no check upon him only as he preferred and sent in his weekly statements, and knowing the unbounded confidence reposed in him, he began his defalcation several months before he was discovered. Had the appeals for help been granted, and had there been sufficient clerical force to keep up the weekly statements, the defalcation could never have occurred.

Allowance, \$9,601.73.

CONTINENTAL FIRE INSURANCE COMPANY AND OTHERS.

That the Secretary of the Treasury be, and is hereby, directed to cause the Commissioner of Internal Revenue to reopen and reexamine the refunding claims of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, the Commercial Mutual Insurance Company of the State of New York, the Maryland Fire Insurance Company, the Western National Bank, the Merchants' National Bank, the Chesapeake Bank of the State of Maryland, and the Eastern Railroad Company of the State of Massachusetts, for taxes erroneously paid by them and now on file in his office, and to examine and allow such amounts as he may find said companies and banks have paid as a duplicate tax upon the same identical income or profits, and to transmit his allowances to the proper accounting officers of the Treasury for certification to Congress, in compliance with the second section of the act of Congress approved July seventh, eighteen hundred and eighty-four.

First introduced in the Forty-seventh Congress.

Favorable reports.—In the Senate: No. 1806, Forty-ninth Congress; No. 891, Fifty-third Congress; No. 264, Fifty-fourth Congress, and No. 90, Fifty-fifth Congress. In the House: Report not printed, Forty-ninth Congress; No. 686, Fiftieth Congress; No. 1730, Fifty-second Congress; No. 1311, Fifty-third Congress; No. 391, Fifty-fourth Congress.

Adverse report to the Senate in the Fifty-first Congress—not printed.

Passed the Senate in Fifty-fourth and Fifty-fifth Congresses, and the House in the Forty-ninth.

Claims for the double payment of internal-revenue tax are involved in these cases. No appropriation is made, but the Secretary of the Treasury is authorized to reopen the cases.

The facts are as follows:

1. That prior to 1870 the claimants had made investments in the bonds and stocks of certain other corporations.

2. That under the laws of 1862 and 1864 the internal-revenue tax of 5 per cent required was paid by the parent companies to the Government, but notwithstanding such payment claimants were required by officers of the internal revenue to again pay a 5 per cent tax on the same income, thus enforcing the payment of a 10 per cent tax instead of the 5 per cent required by law.

3. That said claimants, in accordance with the law and regulations in that regard, filed refunding claims for the repayment of said tax unlawfully exacted. These claims were rejected by Commissioner Douglass, and the claimants had no notice of their rejection, although it was the practice of the office to give notice of such rejection to claimants, and the time allowed by law within which to bring suit for the recovery of these taxes had expired long before the claimants had any knowledge of their rejection. Mr. Douglass retired from the office of Commissioner of Internal Revenue soon thereafter, and his successors have held that they have no authority, under the practice of the Department, to reopen such cases without authority from Congress.

In referring to a similar claim while Secretary of the Treasury, Hon. John Sherman said:

The aggregate amount of claims named in the resolution is \$34,104.18. The passage of the resolution would not be likely to affect the Treasury in a greater amount than that, and the probability is that when the claimants prove their claims the amount that they will be able to prove will be less than the above.

See Exhibit D for a recent statement by the Secretary of the Treasury concerning this case.

P. S. CORBETT.

That the accounts of P. S. Corbett, formerly United States marshal of the State of Nevada, be readjusted by the Treasury Department, and that the services rendered and expenses incurred by said Corbett in his various attempts to arrest George E. Spencer, and for attempting to arrest persons charged with selling liquor to Indians, be allowed under the head of "Extraordinary expense account;" and also that the said Corbett be credited with such mileage, as provided in section eight hundred and thirty-seven of the Revised Statutes of the United States applicable to the marshals of Oregon and Nevada, from the place of arrest to the place of commitment, the entire allowance not to exceed one thousand five hundred and thirty-three dollars and sixty-four cents.....

\$1,533.64

First introduced in the Fifty-second Congress. Favorably reported to the Senate in the Fifty-third, Fifty-fourth, and first session of the Fifty-fifth Congresses, passing the Senate at each of these Congresses; favorably reported to the House in the Fifty-fourth Congress.

Reports.—Senate: No. 233, Fifty-third Congress, and No. 142, Fifty-fourth Congress. House: No. 2831, Fifty-fourth Congress.

The intention here is to secure a readjustment of the accounts of Mr. Corbett as United States marshal for the district of Nevada, which office he filled during the years 1882, 1883, and 1884, and to authorize the allowance by the Treasury Department of accounts charged as "extraordinary expenses," which the Department in its settlements with Corbett refused to allow, amounting in the aggregate to \$1,533.64. The greater portion of these expenses was incurred in connection with the star-route cases in 1882, and in the apprehension and delivery at Washington of George E. Spencer, an important witness.

Mr. Corbett did much traveling and used the telegraphic wires freely in his efforts to apprehend Spencer, and after he was taken delivered him to Washington. The Department refused to allow more than \$2 per day for expenses during Corbett's efforts to arrest Spencer, and also to allow the double fees after crossing the State line in bringing the prisoner to Washington, to which Corbett considered himself entitled under section 837, Revised Statutes. The disallowance on the first account was \$467.76, and on the second \$973.33. The other disallowances were in minor cases, but the claims are all based upon the statute referred to, which allows marshals of Nevada and Oregon double fees from the place of arrest to the place of commitment.

JOHN F. W. DETTE.

That the Secretary of War is hereby authorized and directed to cause to be examined and investigated the terms and conditions of the contract of John F. W. Dette with the United States to build a stone wall of masonry around the national cemetery at Jefferson Barracks, in the county of Saint Louis and State of Missouri, and the plans and specifications therefor, and any changes or modifications made therein, and the character, actual cost of material, and work in the construction of said wall; and whether by reason of any changes or modifications in said contract the cost of the work per perch was increased, and what loss was incurred on any additional work required by such changes or modifications, and what, if any, sum is reasonably and equitably due to the said Dette, in addition to the amount already paid him, by reason of such changes or modifications in his contract, and that the Secretary of the Treasury is hereby authorized to pay the amount, if any, found due, not to exceed four thousand three hundred and twenty-seven dollars and five cents to the said John W. Dette on account of such additional work as the result of the aforesaid investigation when the amount is certified to him by the Secretary of War.....

\$4,327.05

First introduced in the Fifty-first Congress. Favorably reported to the Senate in the Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses.

Reports (all Senate): No. 76, Fifty-second Congress; No. 298, Fifty-third Congress; No. 486, Fifty-fourth Congress; and No. 65, Fifty-fifth Congress.

Passed the Senate at each of the sessions noted.

The provision in this case makes no appropriation, but simply orders an investigation by the War Department.

On March 8, 1871, John F. W. Dette entered into a contract with Capt. George H. Weeks, A. Q. M., United States Army, St. Louis, Mo., to build a stone wall around the national cemetery at Jefferson Barracks, Mo., at \$3.34 a perch. This contract was let on an advertisement containing plans and specifications of the work to be performed. After the contract was made Mr. Dette reported to Captain Weeks that a wall built in pursuance of the plans and specifications would not stand; that on account of the unevenness of the surface and frost in winter it

was necessary to construct a different wall on a different foundation. Captain Weeks agreed to the necessary change in the contract, and told him to proceed and he should receive reasonable compensation.

The work was accepted by the Government, and paid for at the rate of \$3.34 a perch, which was the amount named in the contract. Mr. Dette submits a petition under oath, in which he says that the total amount received by him for the work at \$3.34 a perch was \$13,112.84, and that the money actually paid out was \$17,439.89, making a loss of \$4,327.05.

He claims that this loss was occasioned by the change in the contract, which compelled him to use derricks and scaffolding, which would not have been required under the plans and specifications submitted and according to which the contract was entered into. On the contrary, the Quartermaster's Department contend that, inasmuch as he was paid for the wall by the perch, the additional wall enlarged the amount named in the contract, and therefore the change in plan was beneficial to the contractor.

THE FIRST NATIONAL BANK, NEWTON, MASS.

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay interest at the rate of five per centum per annum on the judgment rendered in favor of the First National Bank of Newton, Massachusetts, against the United States, in the sum of three hundred and seventy-one thousand and twenty-five dollars, from January twenty-fourth, eighteen hundred and eighty-one, to the date of payment of said judgment; also the sum of seventeen thousand nine hundred and forty-nine dollars, interest on twenty-five thousand dollars in United States bonds and twenty thousand dollars in United States interest-bearing notes taken from said bank and deposited in the United States subtreasury at Boston, Massachusetts, on the twenty-eighth day of February, eighteen hundred and sixty-seven, the total payment not to exceed thirty-six thousand four hundred and eighty-seven dollars and fifty cents.....

\$36,487.50

First introduced in the Forty-eighth Congress.

Favorably reported to the Senate in the Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, and Fifty-second Congresses; to the House in the Fifty-first, Fifty-second, and Fifty-fourth Congresses.

Reports.—Senate: No. 326, Forty-eighth Congress; No. 8, Forty-ninth Congress; No. 2713, Fiftieth Congress; No. 597, Fifty-first Congress, and No. 770, Fifty-second Congress. House: No. 1387, Fifty-first Congress; No. 2014, Fifty-second Congress; No. 287, Fifty-fourth Congress.

Passed the Senate in the Forty-eighth, Fifty-first, and Fifty-second Congresses.

The claim in this case is one for interest on funds belonging to the First National Bank of Newton, Mass. While acting as cashier of the United States subtreasury at Boston in 1867, Julius F. Hartwell embezzled a large amount of the Government's money by lending it to the firm of Mellon, Ward & Co., who were extensively engaged in stock speculations. As the time for the examination of the funds in the subtreasury approached, March 1, 1867, when Hartwell's accounts would have to be passed, some plan had to be devised by the guilty parties to prevent or delay exposure. The device resorted to and put in operation was to procure funds and assets of innocent third parties to be placed temporarily on deposit in the subtreasury till the examination was had, and then to be immediately withdrawn again, and thus tide Hartwell and his associates in the embezzlement over the crisis. Edward Carter, the active financial member of the firm of Mellon, Ward & Co., who concocted this scheme with Hartwell, was a director

in the First National Bank of Newton, and seems to have possessed the confidence of E. Porter Dyer, the cashier of the bank. By means of this confidence Carter procured from Dyer the money, bonds, securities, and checks of the bank to the amount of \$371,025, which were deposited in the subtreasury on February 28, 1867, Hartwell giving a receipt therefor, as cashier, that the deposit was "to be returned on demand in Governments, or bills, or its equivalent." This receipt being in the name of Mellon, Ward & Co., was immediately indorsed by Carter as follows: "Pay only to the order of E. Porter Dyer, jr., cashier," and signed Mellon, Ward & Co.

This deposit of its funds and assets was made without the knowledge and consent of the president and directors of the First National Bank of Newton. Hartwell's default was discovered on the night of February 28, and on March 1, 1867, when Dyer presented the receipt and demanded its redemption, payment was refused, and the bank's funds and securities were held and applied by the Government to make good Hartwell's default. The bank was forced into the hands of a receiver.

Through an action in the Court of Claims the bank recovered the principal of its "forced loan," \$260,000 being paid October 29, 1881, and the remaining \$111,025 on August 30, 1882.

A bill was then introduced in Congress providing for the payment of interest on the entire amount for the time it was held, and Senator (afterwards Justice) Jackson, of Tennessee, at that time a member of the Committee on Claims, made an extended report to the Forty-eighth Congress favorable to its payment, the sum amounting to \$249,039.95.

The bill as reported to the Fifty-second Congress, and as now introduced, provides only for the payment of interest on the interest-bearing bonds and notes of the Government included in Dyer's loan, and on the entire sum between the time judgment was awarded and the money paid, making the account stand thus:

Judgment rendered January 24, 1881	\$371, 025. 00
Paid thereon from the Treasury October 29, 1881.....	260, 000. 00
Paid thereon from the Treasury August 30, 1882 (being balance) .	111, 025. 00
Interest at 5 per cent on the amount of the judgment (\$371,025) from January 28, 1881, to October 29, 1881, the date of first payment, would be.	13, 912. 43
Interest at 5 per cent on the amount deferred (\$111,025) from October 29, 1881, to August 30, 1882, when the same was paid.....	4, 626. 70
Making a total of.....	18, 538. 50
Being interest on judgment from date of rendition until paid.	
Interest on interest-bearing bonds and notes	17, 946. 00
Total.....	36, 487. 50

GALLATIN, REVENUE CUTTER.

That the Secretary of the Treasury is hereby authorized and directed to reimburse the survivors of the officers and crew of the United States revenue cutter Gallatin, wrecked off the coast of Massachusetts on the sixth day of January, eighteen hundred and ninety-two, for losses sustained by them, respectively, in the wreck of said vessel; and there is hereby appropriated a sum sufficient for carrying out the purposes of this Act: *Provided*, That the Secretary of the Treasury, in determining the amount of such losses, shall in all cases require a schedule and sworn statement of loss, and that no allowance shall be made for any property except that which was useful, necessary, and proper for said officers and crew while engaged in the Government service on board such revenue cutter; that if any survivor of said wreck entitled to the benefit of this Act shall have died before receiving the reimbursement herein provided for, then such sum, when duly ascertained, shall be paid to his widow, if one survive him, and if not, then to his minor children, if any there

be; and the benefit of this Act is further extended to the surviving widow or minor children of any officer or member of the crew of said revenue cutter Gallatin whose life was lost at the time of such wreck, and in this case the Secretary of the Treasury may dispense with the sworn statement provided for in this Act.

First introduced in the Fifty-second Congress. Favorably reported in both Houses in the Fifty-second, Fifty-fourth, and Fifty-fifth Congresses.

Reports.—Senate: No. 441, Fifty-fourth Congress, and No. 83, Fifty-fifth Congress. House: No. 1479, Fifty-second Congress, and No. 1681, Fifty-fourth Congress.

Passed the Senate in the Fifty-second and Fifty-fourth Congresses as an independent bill, and also in the Fifty-fourth as an amendment to the general deficiency appropriation bill.

This claim is made by the officers and crew of the revenue cutter *Gallatin*, on account of the wrecking of the vessel on a sunken and unbuoyed ledge off Eagle Head, Massachusetts, on the 6th of January, 1892. It appears that the wreck was not caused by any fault or negligence of officers or crew, and that by reason of the sudden sinking and abandonment of the cutter the officers and crew lost all clothing and other necessary property which they had on board.

In a letter, dated January 26, 1892, referring to this claim the Acting Secretary of the Treasury wrote:

At the time the *Gallatin* was wrecked there were on board 6 officers, the pilot, and a crew of 29 men and boys. The carpenter was killed by the falling of the smoke-stack. The 28 surviving members of the crew have submitted to the Department certified statements of the losses sustained by each on account of the wreck, ranging from \$44.85 to \$206.54, the total amount being \$3,105.99. No statement of losses has yet been received from the officers and pilot. I think that relief of some kind should be extended by the Government to the officers and crew of the *Gallatin*, to compensate them for the losses they sustained on account of the wreck of the vessel, and I earnestly recommend the passage of Senate bill 1663, which is herewith returned.

M. S. HELLMAN.

That the Secretary of War and the proper accounting officers of the Government be, and they are hereby, authorized and directed to charge to M. S. Hellman, of Canyon City, Oregon, the sum of one thousand dollars damages, as in full for all damages sustained by the United States for the breach of his contract, made July fifth, eighteen hundred and seventy-one, with Captain W. H. Bell, commissary of subsistence, United States Army, for the supply of flour at Camp Warner, Oregon, remitting all further claims of damage under said contract, and to settle and adjust his unsettled accounts with the Government, after the deduction of said sum of one thousand dollars; and the Secretary of the Treasury is directed to pay this balance found due said Hellman upon the proper vouchers therefor: *Provided*, That the said Hellman shall accept the amount so found due in full and final settlement of all claims upon the Government.

First introduced in the Forty-ninth Congress. Favorably reported to the Senate in the Fiftieth, Fifty-second, Fifty-fourth, and Fifty-fifth Congresses, and to the House in the Fiftieth and Fifty-first Congresses.

Reports.—Senate: No. 2036, Fiftieth Congress; No. 949, Fifty-second Congress; No. 843, Fifty-fourth Congress, and No. 139, Fifty-fifth Congress. House: No. 3642, Fiftieth Congress, and No. 2738, Fifty-first Congress.

Passed the Senate in the Fiftieth, Fifty-second, and Fifty-fourth Congresses.

This claim arises out of the forfeiture of a contract made by Hellman in 1871 to furnish 51,000 pounds of flour for the use of troops located at Fort Warner, Oreg., at the price of 5.47 cents per pound. On account of this forfeiture the commanding officer at the fort, General Otis, purchased at private sale, at 16 $\frac{2}{3}$ cents per pound, sufficient flour to supply

the deficiency, charging the difference in price, \$5,330.96, to Hellman, and deducting this sum from \$6,093.27 due him on other contracts.

Hellman alleges that his failure to meet his engagement was due to a protracted illness, occasioned by an accident soon after entering upon this engagement, and to the additional fact that the cold weather set in much earlier than usual in that region in the winter of 1871-72, rendering it impossible for him to get the grain transported from his home at Canyon City, Oreg., to Fort Warner. He asserts that he made an effort to secure flour necessary to meet the contract in California and Nevada, spending fully \$1,000 in this attempt, and that he would have succeeded but for the precipitate action of General Otis. He claims also that General Canby, commander of the district, assured him that this purchase would not be made. After deducting the \$5,330.96 from the money to Hellman's credit there was due him \$726.31, which the Government tendered him on condition that he sign a receipt in full. This he refused to do, leaving the entire \$6,093.27 to his credit, but offset in part by the charge of \$5,330.96. The committee takes the position that the charge for damages is excessive, and that \$1,000 is sufficient for that purpose, making provision for the payment to Hellman of the remainder of the amount to his credit.

HENRY J. HEWITT.

That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the claim of Henry J. Hewitt, of the State of Missouri, for corn, oats, hay, horses, and wagons taken from him for the use of the Army in northern Missouri in the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four, and eighteen hundred and sixty-five, and for the use and occupation of his hotel, storehouse, and barns by the military authorities of the United States at Macon City, Macon County, Missouri, and at Lancaster, Schuyler County, Missouri, during the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four, and eighteen hundred and sixty-five, such investigation to extend to the status of the claimant, whether loyal or not, the value of the forage and other property taken, the actual rental value of the hotel, storehouse, and barns for the time they were occupied and used by the United States authorities; the purposes for which the hotel, storehouse, and barns were used and by whose authority and direction, and whether the forage, horses, and wagons so taken were a part of the outfit employed by him as a contractor or subcontractor in carrying the United States mails to northern Missouri and southern Iowa during the years named; and that the Secretary of War shall determine the value of such property, if any, and report the same to the Secretary of the Treasury, whereupon the Secretary of the Treasury shall pay the same in accordance with the recommendations of the Secretary of War.

First introduced in the Fiftieth Congress. Favorably reported to the Senate in the Fifty-third, Fifty-fourth, and Fifty-fifth, passing that body each time; favorably reported to the House in the Fiftieth, Fifty-first, Fifty-second, and Fifty-third Congresses.

Reports.—Senate: No. 514, Fifty-third Congress; No. 319, Fifty-fourth Congress; and No. 63, Fifty-third Congress. House: No. 268, Fifty-first Congress; No. 2157, Fifty-second Congress; and No. 576, Fifty-third Congress.

Provision is made for the reopening of this case by the Quartermaster's Bureau of the War Department. The affidavit of the claimant and ten other persons, several of them ex-Union officers and soldiers, and two or three of them employees of claimant in carrying the United States mails during the years 1862, 1863, 1864, and 1865, show that a large quantity of forage and several horses and wagons belonging to claimant were taken by the United States military authorities in northern Missouri during the years named. The property taken was purchased

by him for the purpose of fulfilling his contract in carrying the United States mails over the several mail routes. The affidavits allege that the hotel, storehouse, and barn owned by claimant at Macon City, Mo., and the barn owned by him at Lancaster, Mo., were occupied during these years by the United States military forces. It also appears from the evidence on file that very soon after the war the claimant placed his claim in the hands of A. Slingerland, clerk of the court of Adair County, Mo., for the purpose of having it filed in the proper Department and prosecuted; that a short time subsequent thereto Mr. Slingerland went to Colorado on a visit for the benefit of his impaired health, and while there he died; that the claimant supposed that his claim had been properly filed by Mr. Slingerland in his lifetime, and did not learn to the contrary until long after his death and too late to file it in the proper Department.

JOHN SHERMAN, JR.

That the personal representatives of the late John Sherman, junior, late United States marshal for the Territory of New Mexico, be, and they are hereby, relieved from the rendition of his emolument returns for the period from July first to December thirty-first, eighteen hundred and eighty-one, and from January first to April twenty-first, eighteen hundred and eighty-two, as required by section eight hundred and thirty-three of the Revised Statutes.

Favorable reports.—In the Senate: No. 526, Fifty-second Congress; No. 389, Fifty-third Congress, and No. 435, Fifty-fourth Congress. In the House: No. 2274, Fifty-second Congress.

Passed the Senate, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

John Sherman, jr., was United States marshal for the Territory of New Mexico for almost two years, commencing June 15, A. D. 1880, and continuing until April 21, 1882. It seems his accounts were duly audited by the accounting officers of the Treasury Department in 1889, and a balance of \$371 found to be due him on account of the appropriation for fees and expenses of marshals of United States courts, 1882, as per report of the First Auditor of the Treasury, No. 117800. There being no money with which to pay this claim, it was duly reported to Congress as a deficiency, and an appropriation covering the amount was made by the Fifty-first Congress, second session, and which appropriation is now available. It appears, however, that Mr. Sherman had failed to render his emolument returns for the periods from July 1 to December 31, 1881, and from January 1 to April 21, 1882, as required by the provisions of section 833 of the Revised Statutes. The intention here is to relieve Mr. Sherman's representatives from the requirements of this statute and permit the payment of the money appropriated.

A. P. H. STEWART.

That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, be, and he is hereby, authorized and required to audit and adjust the claims of Stewart and Company, and A. P. H. Stewart, agent, for internal-revenue taxes collected on Government cotton between January first, eighteen hundred and sixty-five, and January first, eighteen hundred and sixty-six, and which have not been heretofore refunded; and for this purpose, any statute of limitations to the contrary notwithstanding, sections nine hundred and eighty-nine, thirty-two hundred and twenty, thirty-two hundred and twenty-six, thirty-two hundred and twenty-seven, and thirty-two hundred and twenty-eight of the United States Revised Statutes are hereby made applicable and available, with the force and effect as if protest and demand for payment had been made within the time prescribed by said sections, and the amount not exceeding ten thousand

seven hundred and eight dollars and four cents, when ascertained as aforesaid, and not heretofore refunded, shall be paid out of the permanent annual appropriation provided for similar claims allowed within the present fiscal year..... \$10,708.04

Favorable reports.—In the Senate: No. 1396, Fifty-fourth Congress. In the House: No. 1738, Fifty-third Congress; No. 839, Fifty-fourth Congress.

Passed the Senate in the Fifty-fourth Congress.

The claim of Stewart & Co., for the settlement of which provision is made, as filed in the office of the Commissioner of Internal Revenue, amounts to \$3,486.64, and that of A. P. H. Stewart, agent, to \$7,221.40, the total being \$10,708.04. Writing to Hon. Charles N. Brumm, chairman of the House Committee on Claims, on the 4th of February, 1896, Mr. G. W. Wilson, then Acting Commissioner of Internal Revenue, gave the following history of these claims:

First. As to the claim for \$3,486.64, filed in this office July 9, 1894, the evidence tends to show that Messrs. Stewart & Co. were dealers in cotton in Mobile, Ala., and in the course of business as such dealers purchased 383 bales of cotton, weighing 174,332 pounds, which had been captured by the United States and was sold to them on account of the Government, and that, notwithstanding the fact that the statute, section 177 of the act of June 30, 1864 (13 Stat. L., 223), provided that all cotton sold by or on behalf of the Government "shall be free and exempt from duty," Mr. Stewart was required to pay and did pay to the United States a tax thereon of 2 cents per pound, amounting to \$3,486.64.

Second. As to the claim for \$7,721.40, filed March 7, 1893, the records of this office show that A. P. H. Stewart, agent, paid from September 13 to 25, 1865, both days inclusive, a tax of 2 cents per pound on 402,156 pounds of cotton, amounting to \$8,043.12, 4 per cent of which, \$321.72, has been refunded as having been paid on tare of cotton. Mr. Stewart alleges that the whole of this 402,156 pounds was Government cotton. If this is a fact, no tax should have been collected on it, it being exempt under section 177, act of June 30, 1864, above referred to.

Had these claims been presented prior to June 7, 1873, they could have been considered in this office without further legislation. It is understood that this delay in presenting the claims was due to the fact that the claimant supposed that a letter written by his attorney to this office in July, 1871, was sufficient to save the bar, and to the further fact that he relied for evidence in support of the first-named claim on the case of the United States *v.* Harrison Johnston, decided by the United States Supreme Court at its October term, 1887.

LEVI STOLTZ.

That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed, any statute of limitation to the contrary notwithstanding, to consider and adjust, under the direction of the Secretary of the Treasury, the claim of Levi Stoltz, a citizen of Greenville, Darke County, in the State of Ohio, in accordance with the provisions of section six, Act of March first, eighteen hundred and seventy-nine, as amended by subsequent acts, for excess of taxes and assessments charged by the United States against him prior to January first, eighteen hundred and seventy-four, on the Greenville Distillery, owned and operated by him, said excess of assessments caused by accidental bursting of the stills, necessary changes in the still tubs by errors in surveys; and to refund the amount of taxes that may be found to have been thus overcharged or allowable on account of accident: *Provided*, That the whole sum allowed shall not exceed the sum of one thousand one hundred and fifty-three dollars and fifty-six cents..... \$1,153.56

Favorably reported to and passed by the Senate in the Fifty-fourth Congress. (See Report No. 395, Fifty-fourth Congress, first session.) Also favorably reported to the Fifty-fifth Congress, first session.

The intention in this case is to provide indirectly for refunding a deficiency tax paid by Stoltz, who is a resident of Greenville, Ohio, on distilled spirits, the sum involved being \$1,153.56, and directly for the removal of the bar imposed by the statute of limitations, permitting

him to take his case into court. Stoltz appears to have placed his papers in the hands of an attorney, who, removing from Greenville, never returned them.

JESSE H. STRICKLAND.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jesse H. Strickland, late colonel of the Eighth Tennessee Cavalry, the pay and allowance of a colonel of cavalry from January thirtieth, anno Domini eighteen hundred and sixty-three, to April first, anno Domini eighteen hundred and sixty-four, deducting all pay and allowances paid to him in any other military capacity for the time.

Favorably reported to and passed by the Senate in the second session of the Fifty-third Congress (report not printed), and reported to the House in the Fifty-second, Fifty-third, and Fifty-fourth Congresses. (House Reports No. 217, Fifty-second Congress; Nos. 316 and 1236, Fifty-third Congress; and No. 243, Fifty-fourth Congress.)

During the civil war Mr. Strickland was a resident of the State of Tennessee, and was authorized by President Lincoln, through the War Office, to enlist a regiment of Tennessee troops for the United States service. Under this authority he enlisted seven or eight hundred men. Many months of time and much money were spent in this work. It was performed under promise of being commissioned as colonel, and the regiment was first designated as the Fifth, but afterwards as the Eighth Tennessee Cavalry. As men were mustered in, companies were formed and officers appointed—captains, majors, and finally a lieutenant-colonel. During all this time Mr. Strickland was regarded as a colonel, so designated in official orders, so obeyed when he was in command. As colonel he was in command of convalescent camp at Camp Nelson, Ky., and as such his name was signed and respected in the Quartermaster's and Medical Departments. But before the work was complete and he mustered into service he was taken sick, and for months was under medical treatment, and from the diseases thus contracted he has never recovered.

While thus sick and under medical care, in the fall and winter of 1863, the presence of troops at the front was urgent, so that Andrew Johnson, then military governor of Tennessee, consolidated with the Eighth Tennessee Cavalry some 200 recruits obtained by S. V. K. Patten, and appointed Patten to be colonel, thus completing the regiment, sending it to the field, and depriving the claimant of his right to be mustered as colonel.

JOHN VEELEY.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Veeley, out of any moneys in the Treasury not otherwise appropriated, the value of five certain Treasury notes found by said Veeley and forwarded to, and now in the hands of the Treasurer of the United States, to wit: United States note, March tenth, eighteen hundred and sixty-two, numbered eighty-five thousand nine hundred and fifty-three, check letter A; United States note, March tenth, eighteen hundred and sixty-two, numbered ninety-nine thousand three hundred and thirty-one, check letter C, both of the foregoing bearing no interest; compound-interest note, August fifteenth, eighteen hundred and sixty-four, numbered twenty-seven thousand one hundred and twenty-eight, check letter A; compound-interest note, August fifteenth, eighteen hundred and sixty-four, numbered twenty-seven thousand two hundred and twenty-nine, check letter C, both of last named bearing interest at the rate of seven and three-tenths per centum per annum and redeemable three years after date; one-year five per centum note, Act of March third, eighteen hundred and sixty-three, numbered twenty-two thousand three hundred and ten, check letter D, bearing interest at the rate of five per centum per annum and redeemable one year from date, according to the description of said notes set forth in the letter of the assistant treasurer dated March twenty-eighth, eighteen hundred and ninety-six, each of said five notes being of the denomination of one hundred dollars: *Provided*, That in ascertaining the value of the notes there shall be added

to the principal of those bearing interest all unpaid interest thereon, according to their terms, to the date when said notes become redeemable, and such amount shall be paid and received in full satisfaction of the claim of the said John Veeley.

Favorable reports.—In the Senate: No. 884, Fifty-fourth Congress, and No. 28, Fifty-fifth Congress. In the House: No. 2056, Fifty-fourth Congress.

Passed the Senate in each of these Congresses.

The claimant was, on the 29th day of September, 1868, employed in Louisville, Ky., as a carpenter by the Louisville and Nashville Railroad Company, and while tearing out the end of an old box car, which was under repair, he found five United States Treasury notes, payable to bearer, of \$100 each. The notes were somewhat mutilated and appeared to have formed part of a rat's nest, but there seems to have been no difficulty in determining their character, their denomination and date, and the issue and series to which each belonged. Upon the advice of a friend Veeley took the notes to the Louisville custom-house, and at his request they were forwarded to the Treasury Department for redemption, but the Department refused to redeem them, and with the approval of the Secretary they were returned to him by express in February, 1869. He then sold them to one Julius Wellman, a broker, for \$300. In March, 1869, Wellman had them sent again to the Treasury Department, and the matter was referred to the First Comptroller, who decided, on the 31st day of July, 1869, that they should neither be redeemed nor returned to Wellman. Wellman then made a demand upon Veeley for the return of the purchase money, and it is alleged that an officer was sent to intimidate him and force a settlement. Veeley had in the meantime disposed of the \$300, and, being dependent upon his daily labor, it was not easy to refund the money, but he at length did so by installments, and whatever rights were acquired by the original finding were revived in him by the repayment. Veeley subsequently renewed his efforts to secure payment from the Treasury Department, and his counsel presented his case from time to time and asked that it might be reopened, but the request was denied, and the notes still remain in the hands of the Treasurer and have never been redeemed nor claim made for them by any other person. The final refusal was contained in a letter of the First Comptroller to Veeley's attorneys, dated March 24, 1890.

JAMES M. WILLBUR.

The Secretary of the Treasury is hereby authorized to make settlement with James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminated tiling, frames, and supports thereof, placed by said Willbur in, on, and around the New York City post-office and court-house building beyond what he was required to furnish by his contract with the United States according to samples submitted and accepted, either upon the report of such excessive weight and superficial measurement furnished by the direction of the Secretary of the Treasury and Senate committee, by the experts Solomon J. Fague and Archibald Given, of date April twenty-first, eighteen hundred and eighty-six, to the Senate committee and on file with the Senate Committee on Claims; but if not satisfied with the report of such experts, the Secretary of the Treasury shall, within thirty days from the passage of this Act, appoint three competent persons, who shall be duly sworn, to ascertain and report the sum, if any, which in justice and equity ought to be paid James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminated tiling, frames, and supports placed by said Willbur in and around the New York City post-office and court-house building beyond what he was required to furnish by his contract as aforesaid, such sum to be determined by the prices fixed in said contract, so far as they are applicable. The said persons so appointed shall also ascertain and report any increased or extra expense or cost incurred by said Willbur resulting from any changes and additions made in and to the weight, measurement, and character of said tiling, or in the quantity thereof,

from that which was specified in said contract. And the Secretary of the Treasury shall, within sixty days after the making of said report, pay to said Willbur such amount as he shall find from such report to be due to him, which sum shall be taken and received by said Willbur in full and final settlement of all and every claim against the United States on said account; and such sum as may be necessary to pay the amount so found due is hereby appropriated out of any money in the Treasury not otherwise appropriated.

First introduced in the Forty-fifth Congress.

Favorable reports.—In the Senate: No. 297, Forty-seventh Congress; No. 1383, Forty-ninth Congress; Nos. 160 and 2649, Fiftieth Congress; No. 244, Fifty-second Congress; No. 758, Fifty-third Congress, and No. 98, Fifty-fourth Congress. In the House: Report not printed, Forty-sixth Congress; report not printed, Fiftieth Congress; Nos. 921 and 1599, Fifty-second Congress; No. 265, Fifty-third Congress; and No. 1685, Fifty-fourth Congress.

Passed the Senate in the Forty-seventh, Fifty-second, and Fifty-fourth Congresses. Passed both Senate and House in the Fiftieth Congress and vetoed by the President.

This claim grows out of extra work done by the claimant in the construction of the post-office and court-house building in the city of New York. The United States, in 1874, entered into a contract with Messrs. Bartlett, Robbins & Co., by which they agreed to furnish and put in place certain wrought and cast iron work and glass for the illuminated tiling required for the building, according to certain specifications and schedules which formed a part of their contract. The approximate estimate for the entire work was specified at \$35,577.56. In August, 1874, the claimant entered into an agreement in writing with Bartlett, Robbins & Co. to do this work as subcontractor for them at certain prices for each superficial foot of tiling put in place. In neither contract was the weight of the tiling mentioned. The work was, under the contract with Messrs. Bartlett, Robbins & Co., completed, and after such completion and the measurement of the work this firm was paid by the Government the sum of \$35,215.57, in full satisfaction of their contract with the United States.

It appears that after the completion of the work the claimant gave notice to the Government that he had a claim against Bartlett, Robbins & Co., growing out of the work, and requested that payment be withheld until his claim against them was adjusted.

The firm contradicted him in this, and Willbur has been prosecuting his claim since, first before the Department and afterwards before Congress, basing his demands upon the allegation that tiling and frames of greater thickness than were required by the contract were used. The claim was at first stated by Willbur's attorney at \$21,857.94. Subsequently, in 1877, Mr. Willbur raised the claim to \$42,685.20, and again, in 1878, to \$47,159.62. In 1885, on a report by Treasury officials, the Secretary of the Treasury tendered Willbur \$1,214.90. This sum Willbur refused, and in the following year another board of experts placed the value of the extra work at \$45,615.67. It is this latter report which is alternatively made the basis of settlement.

WILLIAM WOLFE.

That the Secretary of War be, and he hereby is, authorized and directed to cause to be investigated by the Quartermaster-General of the United States Army the circumstances, character, and extent of the claim of William Wolfe, of Shelbina, Shelby County, Missouri, for the loss of the schooner Anna Sophia, belonging to him, and for freight, while on a voyage from New Orleans, Louisiana, to Indianola, Texas, the said schooner alleged to have been lost, together with her cargo of

public stores, while in the military service of the United States, off the bar at said Indianola, in the month of August, in the year eighteen hundred and sixty-five; and the Secretary of War is hereby further authorized and directed to find, award, and certify to the Secretary of the Treasury what amount of money, if any, is equitably due to the said William Wolfe from the United States as the reasonable value of the said schooner *Anna Sophia* at the time of her loss and her freight; and the Secretary of the Treasury is hereby authorized and directed to pay to the said William Wolfe, out of any money in the Treasury not otherwise appropriated, the amount, if any, so found and awarded to be due him from the United States, not to exceed the sum of nine thousand two hundred and sixty-two dollars and twenty-nine cents; and the acceptance by the said Wolfe of any sum awarded under this Act shall be in full satisfaction of all claims of every character and nature arising from the employment and loss of said schooner *Anna Sophia*

\$9,262.29

Favorable reports.—In the Senate: No. 303, Fifty-second Congress; No. 198, Fifty-fourth Congress; No. 62, Fifty-fourth Congress. In the House: Nos. 682 and 1249, Fifty-second Congress; No. 311, Fifty-third Congress; No. 705, Fifty-fourth Congress.

Passed the Senate in the Fifty-second, Fifty-fourth, and Fifty-fifth Congresses.

During the summer of 1865, and up to the time of her loss, claimant was the owner of the schooner *Anna Sophia*, of the value of about \$8,000. The schooner was loaded with lumber by the United States at New Orleans and sailed for the port of Indianola, Tex., arriving off the bar and coming to anchor in accordance with a rule of the United States quartermaster in charge until a tugboat should come and tow her in the harbor. While thus waiting a storm arose, and on account of its violence the vessel was wrecked and totally destroyed. At the time of the voyage and wreck the schooner was officered and crewed by the United States, and entirely under the control of its agents and officers (the claimant insists) by impressment, while the Third Auditor and Comptroller of the Treasury have decided, under a contract of charter freely entered into, whereby all marine risks were assumed by Wolfe, that the loss of the vessel came under such risk.

In a report made to the Fifty-fourth Congress the Committee on Claims said:

After a somewhat careful examination of the facts the committee have reached the conclusion the schooner was impressed into service by the military authorities, and while thus employed by the Government was lost by stress of weather, and that the claimant should be allowed the value of the vessel and a reasonable compensation for the carriage of the cargo. It will be observed this charter was executed at New Orleans August 6, 1865, when that port was under military control. Proof is abundant from military officers that at that time impressment was the common course. If owners of vessels hesitated for any cause to enter into charter parties the power of impressment was promptly exercised.

Wolfe's loyalty was unquestioned. He was employed by the Federal forces for two or three years during the war as a scout or guide.

S. Rep. 544—8

FOR REFERENCE TO THE COURT OF CLAIMS.

(Separate bill.)

ATLANTIC WORKS, OF BOSTON, MASS.

That the claims of the Atlantic Works, of Boston, Massachusetts, for further compensation for the construction of the ironclad monitor *Casco* and the turrets of the *Monadnock* and *Agamenticus* may be submitted by said claimant within six months after the passage of this act to the Court of Claims, under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however,* That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the ironclad monitor *Casco* and the turrets of the *Monadnock* and *Agamenticus* in the completion of the same, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided further,* That such additional cost in completing the same and such changes or alterations in the plans or specifications required and delays in the prosecution of the work were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless said advance occurred during the prolonged term for completing the work rendered necessary by delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further,* That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided,* That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further,* That all moneys paid to said contractor by the Government over and above the original contract price for building said vessels and turrets shall be deducted from any amounts allowed by said court, by reason of the matters hereinbefore stated: *And provided further,* That if any such changes caused less work and expense to the contractor than the original plans and specifications, a corresponding deduction shall be made from the contract price and the amount thereof shall be deducted from any allowance which may be made by said court to said claimant.

Favorable reports.—In the Senate: Reports No. 581, Fifty-second Congress, and No. 753, Fifty-fourth Congress. In the House: Reports Nos. 711 and 1965, Fifty-second Congress, and No. 1245, Fifty-third Congress.

Passed Senate in the Fifty-second and Fifty-fourth Congresses.

The Atlantic Works, a corporation of Massachusetts, entered into a contract with the United States on the 2d of May, 1863, for the construction, within six months, of the light-draft monitor the *Casco*. It is alleged by the claimant that the tardy completion of the vessel (January 20, 1865) was due entirely to the action of the officers of the United States; and this bill refers the question of the causes of the delay, the prudence and diligence of the contractor, and the losses caused by the Government to the Court of Claims for adjudication. The Atlantic Works, on the 2d of October, 1862, made contracts with John Lenthall to furnish and place on board the turrets, pilot houses, and smokestacks of two wooden monitors called the *Agamenticus* and *Monadnock*. These turrets, etc., for the two vessels, according to agreement, were to be completed on the 22d of February, 1863; instead of which the former was not completed until October 7, 1864, and the latter May 6, 1865. The Atlantic Works make the same allegations with reference to the delays under

these contracts as under the contract for the *Casco*. The claim on account of the *Agamenticus* and *Monadnock* was disallowed by the Marchand naval board of 1867, and practically so as to the *Casco*, but the committees of Congress which have reported upon this and similar cases claim that this board did not, for want of time and for other reasons, give fair attention to the claims presented to it. On the turrets of the *Monadnock* and *Agamenticus* the contractors claimed before this board that the increased cost of the work over the contract price was \$427,323.64, and on the *Casco* \$234,067.78. The contract price on the first two vessels was \$265,000, and on the *Casco* \$395,000. They have already received, over and above the contract price, \$280,322.18 on the *Monadnock* and *Agamenticus*, and \$132,702.57 on the *Casco*.

For a statement of the facts bearing on the case see Senate Report No. 753, first session Fifty-fourth Congress.

The origin of the claim is very similar to the origin of the George W. Lawrence and the Selfridge board claims (which see).

ANNA M. COLMAN.

That the claim of Anna M. Colman, widow and sole legatee of Charles D. Colman, deceased, against the United States, on account of the seizure by the United States of certain moneys and securities in Saint Louis, Missouri, about February, eighteen hundred and sixty-five, held by the bailee as a special deposit theretofore made by said Charles D. Colman, be, and is hereby, referred to the Court of Claims; and jurisdiction is hereby vested in said court to hear and determine said cause and to render judgment for such amount as the court may find due the claimant, with the right of appeal to both parties; and the statute of limitations shall not apply to the right of recovery by said claimant.

Favorable reports.—In the Senate: No. 862, Fifty-third Congress; No. 199, Fifty-fourth Congress; and No. 67, Fifty-fifth Congress. In the House: No. 2290, Fifty-second Congress, and No. 809, Fifty-fourth Congress.

Adversely reported to the House in the Fifty-third Congress. (House Report No. 332, Fifty-third Congress, second session.)

Passed the Senate in the Fifty-third, Fifty-fourth, and Fifty-fifth Congresses.

Charles D. Colman, the husband of claimant, was appointed by the President June, 1863, provost-marshal for the first district of Missouri. Colman had theretofore been a lawyer, enjoying a lucrative practice, in St. Louis. On February 15, 1865, he had on deposit the sum of \$30,049 in money and Government bonds. One James H. Baker, acting as provost-marshal-general, seized the money and bonds and turned them over to Capt. John Hamilton, mustering and disbursing officer, and a fine of \$700 was also assessed against him by a court-martial, which he paid to L. C. Easton, chief quartermaster of the Department of Missouri. While still asserting his claim to have this money refunded to him Colman died, bequeathing by his will this claim to his widow, the claimant. The question of the legality of the seizure and of the fine is one, in the opinion of the committee, which this claimant should be permitted the right to have investigated and passed upon by a court of competent jurisdiction.

WARREN HALL.

That the Court of Claims is hereby given original jurisdiction to hear and adjudicate, according to justice and right, and according to the provision of section three of the act approved March twelfth, eighteen hundred and sixty-three, commonly known as "the captured and abandoned property act," the case of Warren Hall, as originally tried and reported in the Ninth Court of Claims Reports, page one hundred and seventy, and known as "Hall and Roche's Case," notwithstanding the former

trial; and if it shall appear that said Hall was in fact freeborn he shall be deemed to be entitled to all such rights as he would have been entitled to if he had continued a free man, notwithstanding he may have been reduced to a state of slavery de facto wrongfully or by operation of the laws of any State, and the bar of limitation is hereby removed; and for this purpose the court shall hear and consider the new testimony and any other proper testimony which may be offered at the trial by the claimant on the part of the defendant Government, and the testimony considered by the court in the original trial, so far as the same may be applicable to the new trial, shall also be available.

First introduced in the Forty seventh Congress. Favorably reported in the Senate in the Fiftieth, Fifty-first, Fifty-second, Fifty-fourth, and Fifty-fifth Congresses; in the House in the Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

Favorable reports.—Senate: No. 2462, Fiftieth Congress; No. 2576, Fifty-first Congress; No. 390, Fifty-second Congress; No. 1273, Fifty-fourth Congress, and No. 133, Fifty-fifth Congress. House: No. 489, Forty-eighth Congress; No. 3505, Forty-ninth Congress; No. 3563, Fiftieth Congress; No. 105, Fifty-first Congress; Nos. 53 and 1361, Fifty-second Congress; No. 1065, Fifty-third Congress; No. 2749, Fifty-fourth Congress.

Adversely reported to the Senate in the Forty-eighth Congress (Senate Report No. 269, Forty-eighth Congress, first session).

Passed the Senate in the Fiftieth, Fifty-second, and Fifty-fourth and the House in the Fifty-first Congresses.

Provision is made for referring the claim of Warren Hall to the Court of Claims. The claim is for \$8,911.33, the proceeds of the sale of cotton seized by the Government in Mississippi and sold during the civil war, and which was claimed by Hall.

Hall was supposed at the time to be a slave, but he alleges that he is the son of a free woman, an Indian, and that he was born in Virginia; that when a youth he was kidnapped in New Orleans, where he had gone as a race rider, and sold to a planter in Mississippi by the name of Roach, by whom he was treated until 1863 in some respects as a free man and in others as a slave. Hall further claims that during this period he was allowed to raise the hogs and other stock, which he exchanged with Roach for cotton, and in this way he had accumulated some seventy-five or more bales of cotton. In the year 1863 sundry lots of cotton along the Mississippi were seized by the United States troops, to be used in the fortifications at Memphis. This cotton was sold at a later date and the proceeds placed in the United States Treasury. In this cotton thus taken, used, and sold were the bales Hall claims, which he had received in exchange for his hogs, by contract with Roach, and of which he was the lawful owner. Hall endeavored to assert his right of ownership by application to the Quartermaster-General and by suit in the Court of Claims and in the Supreme Court of the United States, but without success, the courts holding that his condition in fact was that of a slave, and that in consequence he was incapable of making contracts or of acquiring property.

In an adverse report made by this committee on the case in the Forty-eighth Congress it was said:

Under the litigation between Roach's administrator and himself, when he was under no disability, it has been decided by the courts of the Government that the funds did not belong to him, but to the estate of his alleged vendor. And under that decision the United States have paid over the money to the successful claimant. The Government having thus parted with the proceeds and divested itself of its custody or trusteeship of this fund, Hall's claim can have no standing before Con-

gress, unless we should undertake to review and pronounce erroneous the decisions of the Court of Claims and Supreme Court, and then hold the United States responsible for such alleged errors.

GEORGE W. LAWRENCE.

That the claim of George W. Lawrence for further compensation for the construction of the United States monitor *Wassuc* under his contract with the Navy Department of June second, eighteen hundred and sixty-three, may be submitted by his personal representatives within six months after the passage of this act to the Court of Claims, under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however,* That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for the construction of the ironclad monitor *Wassuc* under said contract in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work; *Provided further,* That such changes or alterations in the plans and specifications required were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work beginning February third, eighteen hundred and sixty-four, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *And provided further,* That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided,* That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further,* That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further,* That if any such changes caused less work and expense to the contractor than the original plans and specifications a corresponding deduction shall be made from the contract price and the amount thereof shall be deducted from any allowance which may be made by said court to said claimant.

The original bill for the payment of the claim on account of the *Wassuc* was first introduced in the Forty-second Congress, favorably reported to the Senate in the Forty-fourth, Forty-ninth, Fiftieth, and Fifty-first Congresses, and to the House in the Forty-second, Forty-eighth, Forty-ninth, and Fifty-first Congresses.

Reports.—Senate: No. 673, Forty-fourth Congress; No. 1967, Forty-ninth Congress; No. 216, Fiftieth Congress, and No. 1505, Fifty-first Congress. House: No. 2213, Forty-eighth Congress, and No. 3425, Forty-ninth Congress. Adversely reported to the House in the Forty-fifth Congress. (House Report No. 163.)

Passed the Senate in the Forty-ninth and Fiftieth Congresses; the House in the Forty-second, and the Senate and the House in the Fifty-first Congress. The present bill has never passed either House.

This is a provision to refer to the Court of Claims the claim of the heirs of George W. Lawrence for further compensation for the construction of the U. S. monitor *Wassuc*, which was undertaken by Mr. Lawrence under contract with the Navy Department on the 2d of June, 1863. The claim grows out of the delay in the work occasioned by the change of the Government's plans, which was incidental to all work of the character at the time, and is very similar in its origin and history to the claims considered by the Selfridge Board, treated of below.

A bill very similar in terms to the present provision was passed by the Fifty-first Congress and became a law. Under this law the Court of Claims found that while Mr. Lawrence had expended \$130,187.08 in excess of the contract price in the construction of the *Wassuc*, it was left indefinite as to whether under the terms of a later contract than that of June 2 (the latter having been lost) he was entitled to recover

more than \$36,385.08. (In addition to reports cited, see findings of fact and opinion of the Court of Claims in the case of Thankful M. Lawrence, administratrix of G. W. Lawrence, deceased, *v. The United States*, No. 16835, decided February 15, 1897, and also the evidence in that case.) The effort now is to have the court retry the case for the purpose of awarding the difference between the two sums, \$93,852, the award of \$36,385.08 having been paid.

The claim on the *Wassuc* was among those considered by the Marchand Board of 1867, but was rejected by that tribunal. Referring to this finding, the Senate Committee on Claims in a report on this claim to the Fifty-first Congress (Senate Report No. 1505) said:

Your committee are satisfied, from the evidence before them, that the account for such extra work was not correctly adjusted; and inasmuch as the said receipts are prima facie evidence not only of payment in full for such extras per se, but may be construed to cover the question of the extra expense caused by the delays as well, therefore deem it just to all parties that the entire matter should be considered by a legal tribunal with competent jurisdiction to hear and determine the question involved, and in considering such receipt to treat the same as prima facie evidence, but susceptible of explanation by proofs, if any they have, showing the real indebtedness of the Government to them for such increased cost of such vessels beyond the contract price, and beyond the accounts paid by reason of such changes and alterations as evidently contemplated in the previous acts of Congress providing for an adjustment thereof, upon the principle that when the Government has by its acts caused its citizens performing labor for it to incur additional expense in its performance, such additional cost should be borne by the Government.

ADMINISTRATOR OF RICHARD LAWSON.

That the administrator de bonis non of the estate of Richard Lawson, late of Baltimore, Maryland, is hereby authorized to sue in the United States Court of Claims for his, the said Lawson's, individual interest as a partner in the late firm of John McFadon and Company, and also the late firm of William McFadon and Company, formerly of Baltimore, Maryland, on account of French spoliations committed prior to the year eighteen hundred. Said court shall pass upon the facts and law in the case, and report the same back to Congress.

Favorably reported to and passed by the Senate in the Fifty-fourth and Fifty-fifth Congresses and to the House in the Fifty-fourth Congress.

Reports.—Senate: No. 1340, Fifty-fourth Congress, and No. 99, Fifty-fifth Congress. House: Nos. 1852 and 3038, Fifty-fourth Congress.

Richard Lawson was a member of the firms of William McFadon & Co., and John McFadon & Co., said firms doing business in Baltimore, Md., prior to the year 1800. In the prosecution of their business they had various vessels on the high seas in which they were interested, either as owners, part owners, or as underwriters. About this time war was in progress between England and France, and American commerce suffered greatly because of depredations by the French.

The firms named were among the sufferers and filed their claims with the United States Court of Claims. The members of the firms were William McFadon, John McFadon, and Richard Lawson, the interest of Lawson being one-fourth in the firm of William McFadon & Co., and one-half in the firm of John McFadon & Co. John McFadon being the survivor of said parties, suit was brought in his name, but it was subsequently found that in 1839 he had assigned his interest in these cases to the United States in payment of an indebtedness due from him individually to the Government, and therefore any claim brought in his name was barred. As this indebtedness was an individual one with which the firms had no concern, and the assignment being merely a transfer of John McFadon's interest, it would be an injustice to deprive the other members of said firms of their interest in the cases. This bill authorizes the estate of Richard Lawson to sue for his individual interest (as a partner) in the claims in the Court of Claims.

LEGAL REPRESENTATIVES OF C. M. LOCKWOOD.

That the legal representatives of Chauncey M. Lockwood be, and they are hereby, authorized to commence their suit in the Court of Claims of the United States for extra mail service on route numbered sixteen thousand six hundred and thirty-seven, extending from Salt Lake City, Utah, to The Dalles, Oregon; and the Court of Claims shall have jurisdiction to adjudicate the same upon the basis of justice and equity, and to render a final judgment therein for the value of such extra mail service performed as aforesaid; and from any judgment that may be rendered in said cause either party thereto may appeal to the Supreme Court of the United States; and the bar of the statute of limitations shall not avail in such cases.

First introduced in the Forty-first Congress.

Favorable reports.—In the Senate: No. 49, Forty-second Congress; No. 392, Forty-third Congress; No. 374, Fiftieth Congress; No. 122, Fifty-first Congress; No. 195, Fifty-second Congress; No. 22, Fifty-third Congress, and No. 303, Fifty-fourth Congress. In the House: No. 4070, Fiftieth Congress; No. 1258, Fifty-first Congress; Nos. 1604 and 2565, Fifty-second Congress, and No. 1539, Fifty-third Congress.

Passed the Senate in each Congress from the Fiftieth to the Fifty-fourth, inclusive.

On the 9th day of March, 1868, the Postmaster-General advertised for proposals to carry the mail over Route No. 16637, from Salt Lake, Utah, to The Dalles, in the State of Oregon, a distance of 875 miles, six times a week, and back. On the 13th day of June, 1868, the bids were opened, and that of C. M. Lockwood, being the lowest, was accepted, and the contract awarded to him for the sum of \$149,000 per annum, the service to commence on the 1st day of October, 1868, and terminate on the 30th day of June, 1870. On the 24th day of August, 1868, Mr. Lockwood executed a contract, with sureties, as required by law, and carried the mails from the 1st day of October, 1868, to the 17th day of June, 1869, when the service was curtailed and made to begin at Indian Creek, or Kelton, a point on the Central Pacific Railroad, and the sum of \$18,732 per annum was deducted from the pay, leaving it at \$130,278 per annum.

On the 13th day of June, 1868, when the contract was awarded to Mr. Lockwood, an act of Congress, approved March 25, 1864, was in force, which provided "that allailable matter which may be conveyed by mail westward beyond the western boundary of Kansas, and eastward from the eastern boundary of California, shall be subject to pre-paid letter-postage rates." The object of this law was to compel all printedailable matter to be carried in seagoing steamers by way of the Isthmus of Panama to San Francisco, and thus lessen the weight of the overland mails. On the 25th of June, 1868, an act of Congress was approved repealing this section, to take effect on the 30th day of September, 1868, and the consequence was that all printedailable matter, which before that time had been transported by sea to the Pacific Coast, as well as that sent eastward from the Pacific States and Territories, was transferred to the overland route, and its aggregate bulk and weight vastly increased. The same effect followed the repeal of that law on the route from Salt Lake to The Dalles, though not to the same extent as on the overland route to California and Nevada.

The Committee on Post-Offices and Post-Roads reporting on the case in the Fifty-second Congress, after quoting proceedings in the House of Representatives, said:

It will thus be seen that the chairman of the House Committee on the Post-Office and Post-Roads, the Postmaster-General, and the House Committee on Public Expenditures were all of the opinion that the act of Congress repealing the act of March 25, 1864, vitiated the contracts already entered into, and absolved the contractors from their performance. And, indeed, this would seem to be a correct inference,

judging from well-settled principles of law. A contract is to be interpreted and enforced in accordance with laws existing at the time of the agreement; and the law in force at the time of making is always considered as entering into and forming part of the contract itself. Judged by this standard, Chauncey M. Lockwood agreed virtually to carry only the letter mail on Route No. 16637 during the term of his contract; and although in that contract he obligated himself "to transport the whole of said mail, whatever may be its size, or weight, or increase, during the term of his contract," yet it must be construed to be the natural increase, such as would have taken place had the law of 1864 remained unrepealed.

The same committee strongly recommended additional compensation for the work of carrying the mails from The Dalles to Kelton, after the curtailment of the route.

JOHN MELLIFONT AND ELLEN RIORDON.

That jurisdiction is hereby conferred upon the Court of Claims to hear and find the law and facts respecting the claims of John Mellifont and Ellen Riordon for damages sustained by them in consequence of the illegal acts of the officers and soldiers of the United States in taking and killing and ordering off the stock of the above-named parties, destroying their fences and buildings, and for other injuries committed by the said officers and soldiers on the farm of the above-named parties near Fort Clark, in the county of Kinney and State of Texas, between the years of eighteen hundred and sixty-six and eighteen hundred and seventy, both inclusive, and that the testimony and evidence now on file in the Senate may be used in said cause in the Court of Claims; and the bar of the statute of limitations is hereby removed.

Favorable reports.—In the House: No. 520, Forty-seventh Congress; No. 2467, Forty-ninth Congress; and No. 2832, Fifty-fourth Congress.

Favorably reported to the Senate in the Fifty-fourth Congress, but report not printed.

Passed the Senate that Congress.

John Mellifont was a soldier in the Army of the United States from 1849 to 1854. He served five years, and was honorably discharged and settled in Texas near Fort Clark. Mrs. Riordon is the sister of Mellifont and the widow of Thomas Riordon, who was also a soldier in the United States Army until some time before his death, which occurred in 1867. In 1859 Mellifont and his sister became the joint owners of two ranches in the vicinity of Fort Clark, in Kinney County, Tex. They made valuable improvements on these ranches, opened and put in cultivation a large number of acres of land, and had gathered large flocks of cattle, sheep, and goats. In the year 1866 the soldiers stationed at Fort Clark commenced depredations on the property, real and personal, and continued them for a number of years. In 1866, 1867, and 1868 they destroyed the fences, burned some of the houses, and a large quantity of timber was cut and carried away. They continued to take and appropriate to their own use the stock whenever they felt so inclined, and killed and wounded many of them without any object except to inflict injury upon the owners. In consequence of these long-continued depredations Mellifont was broken up and compelled to abandon his ranches and the cultivation of his lands. The petitioners ask Congress to grant them the right to go into the Court of Claims and sue for and recover whatever amount they can prove they are entitled to for the injury sustained.

THOMAS B. REED.

That the claim of Thomas B. Reed, who served as sergeant, first sergeant, and first lieutenant, Fifth Pennsylvania Reserve Corps, and captain, Two hundred and fifth Pennsylvania Volunteers, of the United States Army in the late war of the rebellion, for a balance of wages earned by him in the suppression of said rebellion, and during his entire time of service in the said Army and not paid to him, be, and the same is

hereby, referred to the Court of Claims for due investigation; and jurisdiction is hereby conferred upon said court to render a judgment, irrespective of the lapse of time, for the amount, if any, found due by it of the United States upon the said claim.

Favorable reports.—In the Senate: No. 895, Fifty-third Congress. In the House: No. 1192, Fifty-second Congress; No. 41, Fifty-third Congress; and No. 41, Fifty-fourth Congress.

Passed both Houses in the Fifty-third Congress, but failed to secure the President's signature. Also passed the House in the Fifty-fourth Congress.

Thomas B. Reed served as an enlisted man in the Fifth Pennsylvania Reserve Corps Volunteers, United States Army, from June 5, 1861, to March 5, 1863, when he was honorably discharged for promotion and commissioned first lieutenant in the corps, and served therein till June 2, 1865; next he was commissioned second lieutenant Twenty-ninth Infantry, United States Army, July 22, 1867, and from then to June 18, 1878, he served as a commissioned officer in the United States Army.

He was paid for his services in the intervals of time between March 5, 1863, and June 18, 1878, merely what other officers of his grade were generally paid, and he was paid or allowed nothing whatever in these two intervals of time on account of his prior length of service in the United States Army as an enlisted man, as provided for in the act of July 5, 1838, and the act of July 15, 1870. For this reason he alleges he was short paid for his services rendered during the two intervals between March 5, 1863, and June 18, 1878, partially in the suppression of the late rebellion, and requests the removal of any statutable limitation bar that exists, or may exist, to prevent the Court of Claims from hearing and determining his demand in the premises as if it accrued within six years. The commutation value or price thus put in controversy, of the one additional ration per diem for every five years of prior service, computes to about the sum of \$600.

ANDREW H. RUSSELL AND WILLIAM R. LIVERMORE.

The Court of Claims is hereby authorized to take jurisdiction of a suit to be brought by Captain Andrew H. Russell and Major William R. Livermore on account of the alleged infringement of their patent, numbered two hundred and thirty thousand eight hundred and twenty-three, dated August third, eighteen hundred and eighty, for a magazine firearm, granted to said Andrew H. Russell, and to render judgment for damages incurred or compensation due for such infringement; and the court is hereby further authorized to receive and consider the testimony already taken in the suit brought in the United States circuit court for the district of Massachusetts by said persons against Colonel Alfred Mordecai and dismissed for want of jurisdiction and such new evidence as might be taken on either side.

Passed the Senate as an amendment to the general deficiency appropriation bill in the second session of the Fifty-fourth Congress.

The following is a statement of the case as furnished to the Committee on Appropriations and by that committee handed to the Committee on Claims:

Capt. Andrew H. Russell and Maj. William R. Livermore are the owners of patent No. 230823, granted to Capt. Andrew H. Russell August 3, 1880, for an improvement in magazine firearms. The arm manufactured by the Government and known as the U. S. Magazine Rifle, caliber .30, contains devices covered by this patent. This arm is manufactured by the Government under a contract with the Krag-Jorgensen Company, a foreign corporation of Christiania, Norway, owners of patents granted to Messrs. Krag and Jorgensen in 1890 and 1893. By the terms of this contract it is provided that said company is to protect and defend the United States against all suits and claims by any and all persons for infringements of their inventions in the manufacture of these arms and to pay all judgments obtained against the United States for the same and to indemnify the United States and all persons acting under them from all liability on account of any patent rights granted by the United States which may affect the right to manufacture therein contracted for. No expense to

the United States, therefore, will ultimately result from any judgment in favor of Messrs. Russell and Livermore.

The devices claimed in the Russell patent are not claimed by the patents granted to Messrs. Krag and Jorgensen, but said arm manufactured by the Government under these patents contains said devices. The attention of the Ordnance Department was called to the fact prior to the manufacture of said magazine rifle that the arm adopted by the Government was an infringement of said Russell patent, but said claims were ignored and the above contract was made without reference to them.

In 1895 Messrs. Russell and Livermore brought suit in the circuit court of the United States for the district of Massachusetts against Colonel Mordecai, commanding of the national armory at Springfield, where said arms are manufactured, praying for an injunction and account of profits by reason of said unlawful use of their invention, and proceeded so far as nearly to complete their proof, when the decision of *Belknap v. Schild* was made in the Supreme Court of the United States, February 3, 1896, which decided that the circuit courts of the United States had no jurisdiction over suits of such a character; and thereupon their suit, upon motion of the United States attorney, was dismissed without prejudice and without costs for want of jurisdiction. The defense of this case was assumed by the Krag-Jorgensen Company. It is desired to utilize this testimony in the suit before the Court of Claims.

As the jurisdiction of the Court of Claims is confined to suits against the Government arising under contracts with the Government, either express or implied, and as no legal remedy is afforded Messrs. Russell and Livermore in any court of the United States for the recovery of adequate compensation for the invasion of their property rights, they ask that a special act of Congress should be passed to enable them to prosecute their claims against the Government in the Court of Claims. The defense of any suit which may be brought by Captain Russell and Major Livermore in the Court of Claims must, under the contract above referred to, be assumed by the Krag-Jorgensen Company, and any judgment recovered against the United States must be paid by it.

The relief which they ask from Congress is that their claims against the Government may be determined by some competent tribunal, and that they may not be in the condition of having their property taken from them without remedy.

LEGAL REPRESENTATIVES OF HENRY H. SIBLEY.

That the Court of Claims is authorized to adjudicate the claim of the legal personal representatives of Henry H. Sibley, deceased, growing out of a contract made by Henry H. Sibley in his lifetime with the Government of the United States for the use of a patented invention in the manufacture of a tent known as the Sibley tent; and for this purpose the Court of Claims shall have jurisdiction, notwithstanding any bar of the statute of limitations; that either party to any suit that may be brought under the provisions of this act shall have the right of appeal to the Supreme Court of the United States from any final judgment the Court of Claims may render: *Provided*, That in event of a recovery against the United States no interest shall be awarded on any amount recovered.

Favorable reports.—In the Senate: No. 1419, Forty-ninth Congress; No. 1146, Fiftieth Congress; No. 763, Fifty-first Congress, and No. 159, Fifty-third Congress. In the House: No. 1722, Forty-eighth Congress, and No. 21, Fifty-second Congress.

Adverse report, No. 676, to the Senate in the Forty-eighth Congress.

Passed the Senate in the Forty-ninth, Fiftieth, and Fifty-first Congresses.

The effect of this provision is to remove the bar of the statute of limitations and to entitle the legal personal representatives of Henry H. Sibley to bring a suit to which the bar of limitations might be pleaded by the United States. Henry H. Sibley was, prior to May 13, 1861, a major in the United States Army. In May, 1861, he resigned his commission and entered the Confederate service, continuing therein during the war. The war over, his political disabilities were removed by act of Congress, and he received a full pardon August 16, 1867, from President Johnson, upon certain conditions, all of which he complied with.

Before the war Sibley invented a certain conical tent, for which letters patent were issued to him on the 14th of April, 1856. It was known as the Sibley tent. On the 18th of February, 1858, the War Department made a contract with him, by which the United States agreed to pay him a royalty of \$5 apiece on all such tents which the Government

should make. This was to continue till January 1, 1859, and thereafter until notice was given of its termination. This notice was never given. On the 16th of April he assigned to W. W. Burns a one-half interest in his invention.

The Government proceeded to use the Sibley tents, and used them before and during the war. The total number of such tents so manufactured and used from March 1, 1858, to August 1, 1861, was 3,583, upon 3,377 of which the entire royalty has been paid. During the war the number of tents used by the United States was 43,958.

Burns was loyal throughout the war. He brought a suit against the United States, in the Court of Claims, for his share of the royalties, and recovered judgment, which was affirmed by the Supreme Court in 1871. (See 12 Wall., 246.) That judgment has been paid in full. The amount so recovered was \$101,242.50. There was never any proceeding, and, indeed, there was never any provision for a proceeding, which forfeited Sibley's rights under the contract or deprived Sibley of a like remedy, except the provision of the statute of March 3, 1863, which required as a condition of the right to sue in the Court of Claims an oath "that the claimant has at all times borne true allegiance to the Government of the United States, and has not in any way voluntarily aided, abetted, or given encouragement to rebellion against said Government."

In deciding the Burns case (12 Wall., 246), in 1871, the Supreme Court adverted to this statute in its remark that "Sibley is denied his right of action in the Court of Claims by reason of his disloyalty," and this apparently casual remark on the part of the court was accepted as law until the decision in the case of *Armstrong v. The United States* (13 Wall., 154) was rendered, holding that the statute quoted was not applicable to a person who had received a pardon.

GEORGE S. SIMON.

That the Court of Claims is hereby empowered to hear and adjudicate the claim of George S. Simon, of Darke County, Ohio, for goods and merchandise taken from his store at Versailles, Darke County, Ohio, and used or destroyed by the United States troops on the thirteenth day of January, anno Domini eighteen hundred and sixty-four.

Favorably reported to and passed by the Senate in the Fifty-fourth Congress. (Senate Report No. 1198, Fifty-fourth Congress, second session.) Favorably reported to the House in the same Congress. (House Report No. 1629, Fifty-fourth Congress, first session.)

This is a claim for goods and merchandise taken from the store of George S. Simon, at Versailles, Ohio, by United States troops during the late war. Some Pennsylvania troops on their way home on furlough, January 13, 1864, were delayed nearly a day at the village of Versailles, Darke County, Ohio, by reason of a wreck on the railroad. George S. Simon was at that time a retail merchant in that village, engaged in selling dry goods, clothing, hats and caps, boots and shoes, etc. The soldiers took away from his store or destroyed nearly all his goods. He testifies that he lost thereby not less than \$8,000.

RINALDO P. SMITH.

That jurisdiction is hereby conferred on the Court of Claims to hear and determine the claim of Rinaldo P. Smith, of Baltimore, Maryland, against the Government of the United States on account of the sale, purchase, or occupation by the Government, through its internal-revenue office or others, of certain real estate of one George J. Stephens, in Greene County, Virginia, upon which the late firm of Smith, Ellett and Company, now represented by Rinaldo P. Smith, had a prior lien, and the right of the Government to plead the statute of limitations in bar of said claim is hereby waived: *Provided*, That said claimant file his petition, within sixty

days from the passage of this act, in said Court of Claims, either at law or in equity as he may deem the rights of his case shall require; and the Government shall, upon notice served according to the rules and practice of said court, appear and defend against said suit, and the same shall proceed to final hearing and judgment, with the right of appeal to the Supreme Court of the United States by either party, as provided by law.

Favorably reported to and passed the Senate in the Fifty-fourth Congress. (See Senate Report No. 1136, Fifty-fourth Congress, first session.)

The firm of Smith, Ellett & Co., of Baltimore, Md., which is now represented by the claimant, Rinaldo P. Smith, appears to have had a first lien by deed of trust, duly executed, upon the land of one George J. Stephens, of Greene County, Va., dated October 26, 1869, securing to them the payment of the sum of \$8,660.44 due from Stephens to the firm and payable October 26, 1872. Mr. Stephens operated a distillery, and in the month of January, 1870, all the lands of Stephens upon which Smith, Ellett & Co. had a subsisting lien were advertised for sale by the Government for unpaid internal-revenue taxes, and through the deputy internal-revenue collector of that district, one A. M. Lawson, the property was put up at auction on the 12th day of January, 1871, and struck off to the Government in default of a bidder. Mr. Smith, representing his firm, appears to have been present at the sale and, after giving formal notice of the prior lien of his firm, made a bid of \$400 in addition to the amount of their lien, but Deputy Collector Lawson, acting for the Government, declined to entertain this bid and struck off the property to the Government, and a year later made conveyance to the United States by deed. The Government accepted the conveyance and held the property until June 12, 1888, when the same was sold to one Willie G. Stephens and subsequently conveyed to her heirs. During the time the Government so held possession of the property the lien of Smith, Ellett & Co. expired by limitation and they claim to have lost their debt in consequence of such interposition by the Government. Section 3207 of the Revised Statutes, which was in force at the time this purchase by the Government appears to have been made, prescribes the method of proceeding for the sale of lands for internal-revenue taxes when prior liens exist, but the internal-revenue officer in this case does not appear to have proceeded in accordance with its provisions. The case is referred to the Court of Claims.

ISAAC P. TICE.

That jurisdiction is hereby conferred upon the Court of Claims to retry and determine according to law and equity the case of the administrators of Isaac P. Tice, deceased, against the United States, decided by the Supreme Court at the October term, eighteen hundred and seventy-eight, and also to try and determine according to law and equity the claims of said Tice and others for money collected on account of the Tice meters, but not paid over to him or them under the regulations of the Treasury, or based on contract with the United States; and that in said retrial and trials the statute of limitations shall not be available to the United States against the rights and claims of the estate of said Tice and others: *Provided, however,* That on the retrial or trials of said cases the United States or the claimant or claimants may offer in evidence any evidence given and filed in the prior trial, including the depositions of witnesses now on file in the Court of Claims or on the files of any of the committees of Congress in relation to the aforesaid matter, which may be introduced as evidence in case of the death or disability of the deponents, together with such other material evidence as the United States or the claimant or claimants may wish to introduce; and the court shall render its judgment in favor of the administrators of said Tice or in favor of the other persons or their estates for such sums as may be found to be due and unpaid to said Tice or others on any of said accounts; and the amount of money necessary to pay any judgment or judgments that may be so rendered is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided further,* That either party may appeal to the Supreme Court of the United States from the judgment of the said court.

Favorable reports.—In the Senate: No. 845, Forty-eighth Congress; No. 422, Forty-ninth Congress; No. 1185, Fiftieth Congress; No. 1084, Fifty-first Congress; No. 120, Fifty-second Congress; No. 1274, Fifty-fourth Congress, and No. 131, Fifty-fifth Congress. In the House: No. 1972, Forty-eighth Congress; Nos. 2491 and 3020, Forty-ninth Congress; No. 3957, Fifty-first Congress; No. 919, Fifty-second Congress; No. 519, Fifty-third Congress, and No. 2827, Fifty-fourth Congress.

Passed the Senate in the Forty-ninth, Fifty-first, and Fifty-second Congresses.

Isaac P. Tice was the inventor and patentee of a spirit meter, which was adopted for use in collecting the internal-revenue tax on spirits by the Secretary of the Treasury and the Commissioner of Internal Revenue April 17, 1867. Their authority for so doing is contained in section 15 of the act of Congress of March 2, 1867. By their contract of April 17, 1867 (renewed September 16, 1868), the Secretary of the Treasury and the Commissioner of Internal Revenue fixed the price of the meters which were to be manufactured and supplied by Tice, provided that they should be attached to distilleries and paid for by distillers—the price to be paid by the distiller by depositing with the collector of internal revenue for his district a certificate of deposit payable to the order of Tice, this certificate to be forwarded to Tice through the Bureau of Internal Revenue when the meter should be attached. The contract also provided that on its suspension or abrogation Tice should be paid by the Government for such meters as he should have on hand or in process of manufacture, not exceeding twenty sets.

The contract, so far as the manufacture of meters was concerned, was suspended June 8, 1870, and finally canceled absolutely June 8, 1871. On June 8, 1870, Tice had on hand about fourteen and one-half sets of meters in process of manufacture. He also had due him for meters delivered prior to that time a large sum of money, which has never been turned over to him by the Treasury, although paid in to collectors by distillers. The meter itself is said to have been of great value in increasing the revenue from spirits.

Tice, after the final cancellation of his contract, spent some time in trying to get his claim allowed in the Department until his premature death in 1875. An attempt was made in the name of the estate by a former administrator, without possession of the proofs, to establish a claim for the “meters on hand,” which claim was defeated in the Court of Claims on the law and failure of proof of fact. (See C. Cls. R., p. 112.) The United States Supreme Court, however, held, on appeal, that the court below erred as to the law, but affirmed for failure of proof. (See 99 U. S. R., p. 287.) Such proofs and means of proof have since come to light. The present bill permits the claimants to prosecute in the Court of Claims on the whole of their claims, which are freed from the bar of the statute of limitations.

WILLIAM CRAMP & SONS' SHIP AND ENGINE BUILDING COMPANY.

That the claims of the William Cramp & Sons' Ship and Engine Building Company for damages and losses sustained by it by reason of the failure of the United States to promptly and properly furnish the armor and armament for the ships constructed by said company for the United States, submitted to the Navy Department under the act of June tenth, eighteen hundred and ninety-six, be, and the same are hereby, referred to the Court of Claims for adjudication upon their merits; and if the said court shall find that the said company sustained losses and damages by reason of the delays and defaults of the United States, then it shall render such judgment as in the opinion of the court will fully, fairly, and equitably compensate the said company therefor.

Passed the Senate as an amendment to the general deficiency bill in the second session of the Fifty-fourth Congress. (See House Document No. 69, Fifty-fourth Congress.)

The total of these claims, as presented on November 1, 1896, amounted to \$1,367,243.49.

The act making appropriations for the naval service for the fiscal year ending June 30, 1897, contains the following provision:

The Secretary of the Navy is hereby authorized and directed to examine claims against the Government which may be presented to him by contractors for the building of the hulls or machinery of naval vessels under contracts completed since January first, eighteen hundred and ninety-one, where it is alleged that such contractors have been subjected to loss and damage through delays in the work under said contracts which were not the fault of said contractors, but were due to the action of the Government, and to report to the next session of Congress the result of said investigation, and whether said claims are, in his opinion, subjects for the jurisdiction of the Court of Claims or for the action of Congress upon the same.

Under authority of this law the William Cramp & Sons' Ship and Engine Building Company presented claims against the Government for loss and damage due to delays alleged to have been caused by the Government in the construction of the *New York*, the *Columbia*, the *Massachusetts*, and the *Indiana*. In each case it is alleged by the contractors that the delays complained of were due to the failure of the Government to supply the armor or other materials in accordance with the provisions of the several contracts under which these ships were being constructed, and in the case of the *New York* that further delay occurred by reason of the changes authorized by the Department in the plans and specifications. Claims are also made for large amounts of interest due on sums the payment of which it is alleged was deferred by fault of the Government for sums paid out for insurance and for other special losses arising by reason of circumstances particularly set forth in said statements. The claims aggregate on each of the vessels as follows: On account of the *New York*, \$211,018.31; on account of the *Columbia*, \$192,235.79; on account of the *Massachusetts*, \$483,757.49, and on account of the *Indiana*, \$480,231.90.

In transmitting the claims to Congress December 8, 1896, the then Secretary of the Navy, Hon. H. A. Herbert, said:

I have considered carefully the nature of these claims and the circumstances out of which they arose, and while not attempting to pass on the merits of the same or to determine the amount, if any, that should be allowed on account of the matters mentioned, the fact exists that there was delay in the completion of the contracts beyond the time prescribed therein, and that such delay was in some measure at least due to failure on the part of the Government to obtain and furnish to the contractors the armor for the vessels as required, and in my judgment the interests of justice demand that they should be referred to the Court of Claims, which can consider these matters with more deliberation and care than could be devoted to them by the committees of the two Houses of Congress.

In this connection attention is invited particularly to the provisions of the memoranda of agreements made with the contractors in modification of the contracts for the construction of the *Indiana* and the *Massachusetts*, dated, respectively, May 10, 1894, and February 1, 1896, copies of which are inserted in the statements of claim herewith on account of those vessels, wherein the contractors expressly released the Government from all and every claim for loss or damage theretofore sustained by them by reason of any failure on the part of the Department to comply with the terms of said contracts, or on account of any delay therefore occasioned by the action of the Department. It will be observed that the contractors claim relief from the binding force of these agreements on the ground that the same were entered into by them under duress.

Mr. Herbert's letter of transmittal, together with all the accompanying documents from the Navy Department, was printed as House Document No. 69 of the second session of the Fifty-fourth Congress, and reference is made to it for full particulars.

EXHIBIT A.

BOWMAN ACT CLAIMS.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this Act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the Act of March third, eighteen hundred and eighty-three, entitled "An Act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government, and known as the Bowman Act, and under other Acts, namely:

ALABAMA.

1. To James McPeters, administrator of Nelson G. Allen, deceased, late of Lauderdale County, one thousand three hundred and twenty dollars.....	\$1,320.00
2. To John H. Vaught, administrator of Jeremiah Arnold, deceased, late of Jackson County, one thousand seven hundred and five dollars.....	1,705.00
3. To John W. Belcher, administrator of John Belcher, deceased, late of Jefferson County, two hundred and twenty dollars.....	220.00
4. To Elizabeth C. Bibb, of Huntsville, one thousand six hundred and forty-four dollars.....	1,644.00
5. To S. V. Biggers, administrator of Robert P. Biggers, deceased, late of Cherokee County, six hundred and ten dollars.....	610.00
6. To James T. Broadfoot, administrator of Charles W. Broadfoot, deceased, late of Lauderdale County, four hundred and twenty-four dollars.....	424.00
7. To Joseph A. Clark, of Madison County, five hundred and ninety dollars.....	590.00
8. To A. J. Bentley, administrator of Joseph Commons, deceased, late of Madison County, seven hundred dollars.....	700.00
9. To James McPeters, administrator of Lemuel Corum, deceased, late of Lauderdale County, three hundred and ninety-eight dollars...	398.00
10. To Henry H. Coulson, of Jackson County, two hundred and fifty dollars.....	250.00
11. To Nancy C. Comer, administratrix of A. F. Comer, deceased, late of Cherokee County, two hundred dollars.....	200.00
12. To G. S. Curtin, administrator de bonis non of Lewis Curtin, deceased, late of Lawrence County, nine hundred and eighty-five dollars...	985.00
13. To James A. Barton, administrator of Henry Ferguson, deceased, late of Walker County, one thousand five hundred and sixty-eight dollars.....	1,568.00
14. To Abner T. Fuller, of Crenshaw County, one hundred dollars.....	100.00
15. To John B. Hardman, of Cherokee County, two thousand two hundred and twenty-nine dollars.....	2,229.00
16. To Thomas J. Hargiss, of Jackson County, one thousand six hundred and thirty-seven dollars.....	1,637.00
17. To Bartley Harris, of Madison County, one thousand and twenty dollars.....	1,020.00
18. To John S. Hays, of Walker County, three hundred and eighty dollars.....	380.00
19. To Samuel B. Herston, administrator of William C. Herston, deceased, late of Lauderdale County, four hundred and twenty-five dollars.....	425.00

20. To John Higgins, of Lauderdale County, one hundred and seventy-four dollars.....	\$174.00
21. To William R. Hill, administrator of C. B. Hill, deceased, late of Jackson County, four hundred and eighty dollars.....	480.00
22. To T. L. Bryant, administrator of William H. Huff, deceased, late of Etowah County, five hundred and twenty-eight dollars.....	528.00
23. To L. D. McCallum, administrator of Stephen Hurley, deceased, late of Cherokee County, seven hundred and ninety-five dollars.....	795.00
24. To Philip M. Jones, administrator of Philip R. Jones, deceased, late of Lee County, one thousand three hundred and fifty-four dollars..	1,354.00
25. To John Kachelman, of Lauderdale County, six hundred and eighty-eight dollars.....	688.00
26. To Hugh G. Kirby, administrator of Richard Kirby, deceased, late of Jackson County, five hundred and fifteen dollars.....	515.00
27. To W. F. Laxson, administrator of William G. Laxson, deceased, late of Madison County, seven hundred and twenty-five dollars..	725.00
28. To Samuel H. Lemaster, administrator of John W. Lemaster, deceased, late of Lauderdale County, four hundred and eleven dollars.	411.00
29. To John P. Lewallen, administrator of Madison Lewallen, late of Jackson County, three hundred and five dollars.....	305.00
30. To W. H. Grimes, administrator of William H. Linam, deceased, late of Wilcox County, five hundred seventy-five dollars.....	575.00
31. To Benjamin E. Moody, of Saint Clair County, three hundred and ninety dollars.....	390.00
32. To William B. Owens, of Cherokee County, six hundred and thirty dollars.....	630.00
33. To E. W. Miller, administrator of Elizabeth A. Palmer, deceased, late of Walker County, six hundred and sixty-five dollars.....	665.00
34. To Henry Patton, of Lauderdale County, two hundred dollars.....	200.00
35. To Solon D. Moore, administrator of Caroline Pollard, deceased, late of Cherokee County, four hundred and forty-five dollars.....	445.00
36. To George W. Roberts, of Morgan County, one hundred and fifty dollars.....	150.00
37. To Henry H. Golight, administrator of Robert Rollins, deceased, late of Cherokee County, six hundred and thirty-three dollars....	633.00
38. To Mary E. Saffold, of Dallas County, two thousand and thirty-three dollars.....	2,033.00
39. To Solon D. Moore, administrator of John C. Scroggins, deceased, late of Cherokee County, seven hundred and fifty dollars.....	750.00
40. To Thomas L. Shamblin, of Tuscaloosa County, sixty-five dollars..	65.00
41. To William P. Shelton, of Jackson County, two hundred and thirty dollars.....	230.00
42. To William B. Smithson, administrator of John G. Smithson, deceased, late of Lauderdale County, five hundred and thirty-seven dollars.	537.00
43. To Solon D. Moore, administrator of Wiley B. Starling, deceased, late of Cherokee County, one thousand two hundred and sixty-two dollars.....	1,262.00
44. To John B. Steadman, administrator of James Steadman, deceased, late of Walker County, two hundred and forty dollars.....	240.00
45. To John H. Vaught, administrator of Frederick Stearns, deceased, late of Jackson County, one hundred and twenty-five dollars....	125.00
46. To Mrs. H. H. Stevens, executrix of Wilkins Stevens, deceased, late of Randolph County, seven hundred and fifty dollars.....	750.00
47. To George W. Stutts, of Lauderdale County, five hundred and ninety dollars.....	590.00
48. To William B. Taylor, administrator of John E. Taylor, deceased, late of Dekalb County, six hundred and thirty-seven dollars.....	637.00
49. To Eliza H. Tenge, administratrix of Charles A. Tenge, deceased, late of Lauderdale County, five hundred and one dollars.....	501.00
50. To W. B. M. Lee, administrator of Mordecai Tipton, deceased, late of Cherokee County, one hundred and eighty-five dollars.....	185.00
51. To John T. Ezzell, administrator of Clark M. Tompkins, deceased, late of Franklin County, six hundred and thirty-eight dollars...	638.00
52. To Thomas J. Denson, administrator of Stephen J. Townsley, deceased, late of Lauderdale County, eight hundred and ninety-six dollars.....	896.00
53. To Robert E. Tweedy, of Lawrence County, three thousand eight hundred and seventy-nine dollars.....	3,879.00
54. To Harriet Y. Wakeley (formerly Gordon), of Cherokee County, six hundred and twenty dollars.....	620.00

55. To John W. Wesson, of Dekalb County, four hundred and forty-one dollars.....	\$441.00
56. To Thomas J. Whitson, of Tuscaloosa County, one hundred and fifty-four dollars.....	154.00
57. To Nathan L. Williams, administrator of Martha R. Williams, deceased, late of Madison County, one thousand two hundred dollars.	1,200.00
58. To Thomas B. Woosley, administrator of William Woosley, deceased, late of Jackson County, one thousand three hundred and eighty-two dollars and eighty cents.....	1,382.80
59. To Seborn E. York, administrator of William York, deceased, late of Limestone County, two hundred and forty-nine dollars.....	249.00
60. To Samuel M. Weaver, administrator of George W. Yuckley, deceased, late of Huntsville, six hundred dollars.....	600.00
Total for Alabama	44,032.80

ARKANSAS.

61. To Cynthia C. Baker, of Benton County, four hundred and fifty-five dollars	455.00
62. To R. B. Carl Lee, administrator of Charlotte C. Bancroft, deceased, late of Phillips County, nine thousand nine hundred and seventy dollars.....	9,970.00
63. To Samuel L. Black, administrator of John P. Beasley, deceased, late of Monroe County, two thousand eight hundred and sixty-five dollars	2,865.00
64. To Mary J. McCall, administratrix of James Bridgman, deceased, late of Crawford County, one thousand five hundred and seventy-five dollars	1,575.00
65. To John Campbell, late of Independence County, now a resident of Columbia County, Oregon, one thousand one hundred and sixty-five dollars	1,165.00
66. To Samuel M. Carson, administrator of William Carson, deceased, late of Monroe County, three thousand seven hundred and forty dollars.	3,740.00
67. To Henry T. Cate, of Washington County, eight hundred and thirty-five dollars	835.00
68. To Pryor D. Chism, administrator of Robert Chism, deceased, late of Monroe County, two hundred and ninety-five dollars.....	295.00
69. To William R. Clark, administrator of James W. Clark, deceased, late of Benton County, three thousand six hundred and ten dollars...	3,610.00
70. To Charles Crowell, of Benton County, six hundred and sixty-three dollars.....	663.00
71. To Alexander Davis, of Conway County, five thousand six hundred and five dollars	5,605.00
72. To W. F. Davis, administrator of George W. Davis, deceased, late of Sebastian County, five hundred and five dollars.....	505.00
73. To Phil Davis, of Woodruff County, four hundred and fifty dollars.	450.00
74. To William Y. Fain, of Phillips County, five hundred and sixty dollars.....	560.00
75. To Benjamin F. Greer, administrator of Hugh Flinn, deceased, late of Benton County, six hundred and fifty-five dollars.....	655.00
76. To E. M. Ford, administrator de bonis non of Richard L. Ford, deceased, of Phillips County, three thousand one hundred and fifty-nine dollars.....	3,159.00
77. To Peter L. Freezer, of Mississippi County, one hundred and twenty-five dollars.....	125.00
78. To Samuel Gallaher, administrator of Henry Gallaher, deceased, late of Washington County, five hundred and seventy-five dollars....	575.00
79. To Benjamin E. Gambill, of Benton County, two hundred and forty-eight dollars.....	248.00
80. To John N. Hays, of Benton County, one thousand one hundred and fifteen dollars.....	1,115.00
81. To J. W. Frazier, administrator of William J. Hendricks, deceased, late of Monroe County, one thousand six hundred and twelve dollars.....	1,612.00
82. To John B. Hogue administrator of Powell E. Hogue, deceased, late of Pulaski County, one thousand six hundred and eighty dollars.	1,680.00
83. To Warren Holtzclaw, administrator of Elijah Holtzclaw, deceased, late of Phillips County, six hundred dollars.....	600.00
84. To Henry A. Houghton, administrator of Jeffrey Houghton, deceased, late of Craighead County, six hundred and forty-three dollars...	643.00

85. To James H. Humphreys, of Phillips County, two hundred and ninety-three dollars and twenty cents.....	\$293 20
86. To George H. Johnson, administrator of Elisha Johnson, deceased, late of Benton County, one hundred and twenty dollars	120.00
87. To T. D. Kinman, administrator of Riley Kinman, deceased, late of Jackson County, eight hundred and sixty dollars	860.00
88. To Mary R. Kirkpatrick, of Jefferson County, six hundred and twenty-five dollars.....	625.00
89. To Thomas J. Lavender, administrator of Jacob Lavender, deceased, late of Hempstead County, Arkansas, five hundred and ninety-one dollars.	591.00
90. To Charles E. Littleton, of Yell County, nine hundred and forty-four dollars	944.00
91. To John Mcracken, of Madison County, two thousand one hundred and five dollars	2,105.00
92. To Andrew Nathaniel McEver, administrator of Andrew McEver, deceased, late of Polk County, three hundred and fifty dollars...	350.00
93. To David Maberry, junior, of Washington County, seven hundred and nineteen dollars.....	719.00
94. To R. E. Sanford, administrator of Jesse Martin, deceased, late of Monroe County, one thousand and fifty dollars.....	1,050.00
95. To John L. Murphy, of White County, one thousand two hundred and forty dollars.....	1,240.00
96. To Samuel W. Pryor, administrator of Admiral N. Nunn, deceased, late of Dallas County, one thousand two hundred and sixty-seven dollars.....	1,267.00
97. To Walter Orme, of Crawford County, one thousand five hundred and ninety-six dollars.....	1,596.00
98. To W. O. Anderson, administrator of Walter L. Otey, deceased, late of Phillips County, four thousand and forty-seven dollars	4,047.00
99. To Abijah T. Phelan, of Washington County, two hundred and thirty-five dollars.....	235.00
100. To William L. Taylor, administrator of William M. Powell, deceased, late of Crawford County, two thousand eight hundred and sixty-five dollars.....	2,865.00
101. To Margaret Ray and Joanna Summers, of Phillips County, two thousand nine hundred and forty-two dollars	2,942 00
102. To Frank Rhodes, of Phillips County, six hundred and five dollars	605.00
103. To David Robbins, late of Hot Springs, one hundred and seventy-five dollars	175.00
104. To Fred Roesch, administrator of Christian Roesch, deceased, late of Pulaski County, one thousand seven hundred and fifty-five dollars.....	1,755.00
105. To Juber Russell, of Crawford County, four hundred and thirty-five dollars.....	435.00
106. To A. M. Scott, administrator of Sarah Slate, of Phillips County, nine hundred and ten dollars.....	910.00
107. To L. P. Featherstone, administrator of John R. Sembler, deceased, late of Saint Francis County, nine hundred and fifty-five dollars...	955.00
108. To Margaret Singleton, administratrix of Andrew J. Singleton, deceased, late of Franklin County, four hundred and eighty dollars.	480.00
109. To Morocco D. Smith, of Phillips County, six hundred and ten dollars.....	610.00
110. To T. E. Hendricks, administrator of Catherine E. Sumner, deceased, late of Lonoke County, one thousand one hundred and twenty-five dollars.....	1,125.00
111. To James C. Tappan, administrator of Samuel J. Sutton, deceased, late of Phillips County, two thousand one hundred and five dollars.....	2,105.00
112. To W. E. Williams, administrator of Pleasant H. Thompson, deceased, late of Saint Francis County, six hundred and forty-nine dollars.....	649.00
113. To Mary Turner, administratrix of Sterling M. Turner, deceased, late of Sebastian County, five hundred and sixty dollars.....	560.00
114. To Thomas H. Webb, of Lonoke County, five hundred and forty-two dollars	542.00
115. To Harriet A. Womack, administratrix of John P. Womack, deceased, late of Ashley County, two thousand six hundred and eighty dollars.....	2,680.00

116. To A. J. Maxwell, administrator of S. P. Woods, deceased, late of Benton County, one thousand one hundred and eighty-five dollars.	\$1,185.00
117. To D. C. York, administrator of William York, deceased, late of Woodruff County, seven hundred and ninety-eight dollars.....	798.00
Total for Arkansas.....	80,123.20

DISTRICT OF COLUMBIA.

118. To James C. Brooke, five hundred and ninety-one dollars.....	591.00
119. To Stephen M. Golden, five hundred and forty dollars.....	540.00
120. To Joseph T. Jenkins, one thousand five hundred and seventeen dollars.....	1,517.00
121. To James R. D. Morrison and William H. Morrison, executors of William M. Morrison, deceased, and administrators of Charles J. Morrison, deceased, six thousand one hundred dollars.....	6,100.00
122. To Robert S. Perkins, one thousand and ninety dollars.....	1,090.00
123. To James W. Sears, administrator of Rebecca Sears, deceased, one thousand eight hundred dollars.....	1,800.00
124. To Louis P. Shoemaker and others, executors of Abner C. P. Shoemaker, deceased, two thousand four hundred and fifty dollars...	2,450.00
125. To P. E. Dye and W. S. Hoge, administrators of David Shoemaker, deceased, one thousand two hundred and fifty-five dollars.....	1,255.00
126. To Barnett T. Swart, six thousand and twelve dollars.....	6,012.00
Total for District of Columbia	21,355.00

GEORGIA.

127. To Thomas J. Anderson, administrator of David B. Anderson, deceased, late of Fulton County, seven hundred and four dollars.	704.00
128. To Thomas G. Barker, of Chattooga County, six hundred and thirty-four dollars	634.00
129. To John Brooks, of Henry County, seven hundred and fifty-four dollars.....	754.00
130. To Richard Butler, of Chatham County, one hundred and twenty-two dollars	122.00
131. To John A. Carter, of Chatham County, seven hundred and thirty dollars.....	730.00
132. To William Chasteen, of Carroll County, two hundred and eighty dollars.....	280.00
133. To W. S. and J. N. Cheney, executors of Andrew J. Cheney, deceased, late of Cobb County, one thousand seven hundred and ninety-three dollars	1,793.00
134. To William P. Conine, administrator of William Y. Conine, deceased, late of Clayton County, four hundred and thirty dollars.....	430.00
135. To William L. Connally, of Walker County, six hundred and seventy dollars.....	670.00
136. To John P. Davidson, of Floyd County, one thousand eight hundred and thirty dollars.....	1,830.00
137. To William G. Ebbs, administrator of William Ebbs, deceased, late of Savannah, one thousand two hundred and fifty-two dollars....	1,252.00
138. To Natalie Eppstein, administratrix of John B. Eppstein, deceased, late of Chatham County, five hundred and ninety-five dollars.....	595.00
139. To Henry Field, of Savannah, four hundred and fifty-one dollars ..	451.00
140. To Maria J. Fowler, executrix of Edward Fowler, deceased, late of Catoosa County, one thousand six hundred and forty-five dollars.	1,645.00
141. To Margaret Garrison, of Atlanta, six hundred dollars.....	600.00
142. To Margaret Giebelhouse, administratrix of Philip Giebelhouse, deceased, late of Atlanta, one thousand five hundred and sixty-five dollars.....	1,565.00
143. To Jane Gilbert, administratrix of Evan S. Gilbert, deceased, late of Newton County, five hundred and ninety-seven dollars.....	597.00
144. To Sarah E. Nicholas, administratrix of William P. Hackney, deceased, late of Whitfield County, five hundred and eighty-eight dollars.....	588.00
145. To Myra M. Harbin, administratrix of Nathaniel P. Harbin, deceased, late of Whitfield County, twelve thousand four hundred dollars.....	12,400.00

146. To Frank J. Henderson, executor of William Henderson, deceased, late of Whitfield County, seven hundred and sixty-four dollars...	\$764.00
147. To James W. Hill, of Gordon County, one thousand nine hundred and ninety-five dollars.....	1,995.00
148. To S. D. Holland, administrator of Archibald Holland, deceased, late of Paulding County, one thousand and eighty dollars.....	1,080.00
149. To James L. Anderson, administrator of Walter T. Hollingsworth, deceased, late of Bibb County, two thousand two hundred and seventy-three dollars.....	2,273.00
150. To Thomas L. James, administrator of William M. James, deceased, late of Walker County, four hundred and twenty-seven dollars..	427.00
151. To James P. Johnson, of Chattooga County, two hundred and fifty-four dollars.....	254.00
152. To A. Thornburgh, administrator of John C. Lee, deceased, late of Walker County, nine hundred and forty-one dollars.....	941.00
153. To Andrew P. McCool, of Fulton County, seventy-five dollars.....	75.00
154. To George Wagner, administrator of Henry Mastick, deceased, late of Savannah, three thousand one hundred and five dollars.....	3,105.00
155. To Richard Mayse, of Atlanta, eight hundred and eighty dollars...	880.00
156. To Charles Wesley Morris, administrator of William Morris, deceased, late of Floyd County, eight hundred and ten dollars.....	810.00
157. To Charles V. Neidlinger, of Effingham County, one thousand and fifteen dollars.....	1,015.00
158. To Minerva J. Nichols and others, executors of Frank D. Nichols, late of Cummings, two thousand two hundred and fifty-five dollars	2,255.00
159. To Nicholas Rawlings, of Floyd County, eight hundred and forty-eight dollars.....	848.00
160. To Benjamin P. Rogers, of Douglas County, four hundred and ten dollars	410.00
161. To James M. Smith, administrator of John Smith, deceased, late of Chattooga County, four hundred and sixty dollars.....	460.00
162. To William B. Taylor, of Walker County, one thousand six hundred and fifty-five dollars	1,655.00
163. To Francis Tillman, administrator of Francis Tillman, deceased, late of Chatham County, nine hundred and fifty-two dollars.....	952.00
164. To William C. Parker, administrator of Moses Trimble, late of Campbell County, two hundred and seventy-nine dollars.....	279.00
165. To Christian Ubele, administrator of Christian Ubele, deceased, late of Chatham County, five hundred and eighty-five dollars.....	585.00
166. To George W. Hendricks, administrator of John Weitinger, deceased, late of Bartow County, five hundred and ninety-seven dollars....	597.00
167. To William R. Welborn, of Morgan County, two hundred and fifty dollars	250.00
168. To Sarah F. Maddux, administratrix of Creed T. Wise, deceased, late of Butts County, one thousand four hundred and eighty dollars..	1,480.00
169. To Samuel P. Woods, of Chattooga County, two hundred and five dollars	205.00
Total for Georgia	51,235.00

ILLINOIS.

170. To Daniel K. Tenney, of Cook County, five hundred and forty-six dollars and eighty-seven cents.....	546.87
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KANSAS.

171. To Joseph Dunlap, of Greenwood County, two thousand one hundred and sixty dollars.....	2,160.00
172. To Benjamin F. Raiff, late a private of Company H, Fifth Regiment Kansas Cavalry Volunteers, two hundred and sixty dollars.....	260.00
173. To Josiah C. Ury, of Bourbon County, one thousand five hundred and fifty dollars.....	1,550.00
Total for Kansas	3,970.00

KENTUCKY.

174. To Catherine Anderson, administratrix of John Anderson, deceased, late of Nelson County, one hundred and sixty-one dollars.....	161.00
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175. To Edward H. Taylor, administrator de bonis non of the estate of Lucy A. Barker, late of Louisville, one thousand four hundred and forty dollars.....	\$1,440.00
176. To Martha Brashear, administratrix of Obadiah Brashear, late of Nelson County, two hundred and twenty-five dollars.....	225.00
177. To Jefferson Brownfield, of Larue County, ninety-seven dollars...	97.00
178. To William P. Barnes, administrator of Peyton Burdette, deceased, late of Bullitt County, four hundred and forty dollars.....	440.00
179. To Abijah M. Cartmell, of Nelson County, four hundred and forty-nine dollars.....	449.00
180. To Margaret Carter, administratrix of Thomas Carter, deceased, late of Marion County, one thousand seven hundred and eighty dollars.....	1,780.00
181. To James Doolin, of Pulaski County, two hundred and eighteen dollars.....	218.00
182. To Robert Haitz, of Jefferson County, two hundred and fifteen dollars.....	215.00
183. To Morris J. Harris, junior, administrator of Morris J. Harris, deceased, late of Lincoln County, seven hundred and seventy-seven dollars.....	777.00
184. To William J. Marshall and others, executors of John G. Holloway, deceased, late of Henderson County, two thousand five hundred and twenty dollars.....	2,520.00
185. To Austin Hough, of Bullitt County, one hundred and eighty-five dollars.....	185.00
186. To H. W. McCorkle, administrator of Pleasant W. Huff, deceased, late of Hart County, two hundred and forty-seven dollars.....	247.00
187. To Richard M. Isler, of Fulton County, seven hundred and fifty dollars.....	750.00
188. To Henry E. Jenkins, of Warren County, ninety-six dollars.....	96.00
189. To Thomas W. Campbell, assignee of Miles Kelly, of Warren County, five thousand one hundred and forty-two dollars.....	5,142.00
190. To Sarah G. Cofer, administratrix of Alfred H. Kennedy, deceased, late of Hardin County, eight hundred and thirty-one dollars and eighty-five cents.....	831.85
191. To James P. Layne, administrator of Elizabeth P. Layne, deceased, late of Floyd County, one thousand two hundred and fifty dollars.....	1,250.00
192. To George Leonhart, of Campbell County, four hundred and ten dollars.....	410.00
193. To Elizabeth M. Patteson (formerly Lewis), in her own right and as administratrix de bonis non of William H. Lewis, deceased, late of Hart County, two thousand eight hundred and twenty-five dollars.....	2,825.00
194. To Squire H. Bush, administrator of Edward C. Lucas, deceased, late of Hardin County, seven hundred and twenty dollars.....	720.00
195. To John C. Lummis, of Kenton County, one hundred and fifty dollars.....	150.00
196. To Lemuel S. McHenry, of Daviess County, one hundred and fifty dollars.....	150.00
197. To Sallie J. Mannakee, administratrix of Elisha Mannakee, deceased, late of Nelson County, seven hundred and five dollars.....	705.00
198. To Samuel B. Merrifield, of Nelson County, four hundred and four dollars.....	404.00
199. To Susan E. Miller, in her own right and as widow of and administratrix of Jacob M. Miller, deceased, late of Marion County, nine hundred and ten dollars.....	910.00
200. To Samuel D. Glasscock, administrator of William C. Moore, deceased, late of Hardin County, five hundred and thirty dollars.....	530.00
201. To F. M. Joplin, administrator of Thomas B. Munford, deceased, late of Hardin County, one hundred and forty dollars.....	140.00
202. To Buford Mussen, of Marion County, six hundred and ninety-seven dollars.....	697.00
203. To John G. Mussen, administrator of Susan Mussen, deceased, late of Marion County, four hundred and thirty-eight dollars and fifty cents.....	438.50
204. To the Nazareth Benevolent Institution, of Nelson County, three hundred and nineteen dollars.....	319.00
205. To Mary E. Neal, administratrix of Pearce Noland, deceased, late of Shelby County, nine thousand five hundred and twenty dollars.....	9,520.00
206. To Mary Orendorff, of Breckinridge County, two hundred and fifty dollars.....	250.00

207. To Benedict Pash, of Nelson County, three hundred and fifty dollars.	\$350.00
208. To Dent S. Pash, of Nelson County, four hundred and eighty dollars.	480.00
209. To John A. Raine, of Hardin County, six hundred and forty-four dollars.....	644.00
210. To John W. Rowlett, of Jefferson County, nine hundred and seventy dollars.....	970.00
211. To Jacob H. Russell, of Lincoln County, one hundred and forty-five dollars	145.00
212. To Mary Sisco, executrix of William Sisco, deceased, late of Nelson County, two hundred and sixty-nine dollars and five cents.....	269.05
213. To George W. Smith, of Hardin County, six hundred and sixty-seven dollars.....	667.00
214. To C. C. Howard, administrator of George W. Smith, deceased, late of Larue County, twenty dollars.....	20.00
215. To T. S. Mayes, administrator of Mary A. E. Smith, deceased, late of Washington County, two hundred and thirty-four dollars	234.00
216. To Thomas M. Beeler, administrator of David Standiford, deceased, late of Jefferson County, eighty-five dollars.....	85.00
217. To James H. Taylor, administrator of Thomas W. Taylor, deceased, late of Nelson County, ninety-nine dollars	99.00
218. To William C. Kennedy, administrator of William Thixton, deceased, late of Jefferson County, four hundred and thirty dollars.....	430.00
219. To James W. Smith, administrator of Miles H. Thomas, deceased, late of Hardin County, two hundred and thirty-five dollars.....	235.00
220. To Abel A. Thompson, of Marion County, one hundred and twenty-four dollars	124.00
221. To W. C. M. Travis, of Crittenden County, one hundred and forty dollars.....	140.00
222. To Mary Unseld, administratrix of John Unseld, deceased, late of Nelson County, two hundred and fifty dollars.....	250.00
223. To William H. Hughes, administrator of David Unsell, deceased, of Ballard County, five thousand dollars	5,000.00
224. To Alfred B. Vernon, of Hardin County, eighty-two dollars and twenty-five cents	82.25
225. To James E. Evans, administrator of Coleman Wells, deceased, late of Nelson County, one hundred and thirty dollars.....	130.00
226. To John H. West, of Larue County, one hundred and fifty dollars.	150.00
227. To Germania Safety Vault and Trust Company, administrator of William Wirtz, deceased, late of Jefferson County, five hundred and ninety-seven dollars.....	597.00
Total for Kentucky	46,093.65

LOUISIANA.

228. To James M. Dowling, administrator of Mary T. Anderson, late of Saint Landry Parish, ten thousand six hundred and ten dollars..	10,610 00
229. To Nannie A. Badley, administratrix of Henry Badley, deceased, late of Baton Rouge, three thousand four hundred and forty-two dollars.....	3,442.00
230. To Lowesky Bouvillian, of Terrebonne Parish, nine hundred dollars.....	900.00
231. To Lucile Tounoir, administratrix of Arnaud Decuir, deceased, late of Pointe Coupee Parish, five hundred and seventy-five dollars...	575.00
232. To Jasper Gall, of Iberia Parish, seven hundred and four dollars..	704.00
233. To L. J. Smith, executor of Elbert Gantt, deceased, late of Saint Landry Parish, three thousand five hundred and nine dollars.....	3,509.00
234. To Abram A. Harvey, guardian, and so forth, of the children of Abram A. Harvey, deceased, of Washington Parish, one thousand nine hundred and ninety dollars.....	1,990.00
235. To Benjamin R. Keaton, of Washington Parish, seven hundred and thirty-nine dollars	739.00
236. To George Walker, administrator of Michael Knight, deceased, late of New Orleans, seven thousand seven hundred and fourteen dollars.....	7,714.00
237. To Luke Madden, administrator of Patrick Madden, deceased, late of Madison Parish, eight hundred and forty-five dollars.....	845.00
238. To Alphonse Meuillon, administrator of Antoine Donato Meuillon, deceased, late of Saint Landry Parish, three thousand four hundred and ninety dollars.....	3,490.00

239. To Alphonse Meuillon, administrator of Susanne B. Menillon, deceased, late of Saint Landry Parish, one thousand seven hundred and sixty-seven dollars.....	\$1,767.00
240. To J. A. Oubre, administrator of Eugene Oubre, deceased, late of Pointe Coupee Parish, six thousand six hundred and eighty-three dollars.....	6,683.00
241. To Marie Eliza Payne, of Natchitoches Parish, five thousand four hundred and seventy-six dollars.....	5,476.00
242. To Mary O. Planché of Natchitoches Parish, nine thousand and twenty-five dollars.....	9,025.00
243. To John A. Porche, of Pointe Coupee Parish, five hundred and fifty dollars.....	550.00
244. To Joseph Saint Amand, administrator of Alphonse Saint Amand, deceased, late of Pointe Coupee Parish, six hundred and twelve dollars.....	612.00
245. To Fanny B. Randolph and Dora L. Stark, of Avoyelles Parish, sixteen thousand five hundred and sixty dollars.....	16,560.00
246. To the heirs of Augustine M. Swain, deceased, late of New Orleans, six thousand five hundred and thirty dollars.....	6,530.00
Total for Louisiana.....	81,721.00

MARYLAND.

247. To Franklin A. Ash, administrator of John Ash, deceased, late of Washington County, seven hundred and fifty dollars.....	750.00
248. To William T. Beeler and others, administrators of David Beeler, deceased, late of Washington County, four hundred and thirty-seven dollars.....	437.00
249. To H. Harrison Beeler, of Washington County, one hundred and thirty-four dollars.....	134.00
250. To William M. Blackford, of Washington County, six thousand two hundred and six dollars.....	6,206.00
251. To Benjamin Brown, of Washington County, four hundred and fifty dollars.....	450.00
252. To Jacob Brubaker, of Washington County, two hundred and forty-five dollars.....	245.00
253. To Thomas Corbett, of Washington County, three hundred and fifteen dollars.....	315.00
254. To Mary E. Correll, executrix of Christian Correll, deceased, late of Carroll County, five hundred and thirty-eight dollars.....	538.00
255. To Isaac Gruber, executor of John Cowton, deceased, late of Clear-spring, Washington County, two hundred and ninety-five dollars.....	295.00
256. To Thomas W. Crampton, of Washington County, one thousand three hundred and seventy-eight dollars.....	1,378.00
257. To Ezra Daub, of Washington County, two hundred and forty-eight dollars.....	248.00
258. To John F. Dellinger, administrator of William Dellinger, deceased, late of Washington County, one thousand seven hundred and seventy-five dollars.....	1,775.00
259. To James H. Elgin, of Washington County, five thousand nine hundred and seventy-eight dollars and seventy cents.....	5,978.70
260. To James R. Ferrell, of Frederick County, five hundred and ninety-nine dollars.....	599.00
261. To Alexander Garrett, administrator of William Garrett, deceased, late of Montgomery County, eight hundred and ninety-four dollars.....	894.00
262. To John Grice, of Washington County, two hundred and forty dollars.....	240.00
263. To Samuel Grim, administrator of Jacob Grim, deceased, late of Washington County, seven hundred and forty-two dollars.....	742.00
264. To Elizabeth Grosh, administratrix of Lewis A. Grosh, deceased, late of Washington County, four hundred and ninety-five dollars..	495.00
265. To Samuel D. Piper, administrator of Elias S. Grove, deceased, late of Washington County, eight hundred and nine dollars.....	809.00
266. To Maria Grove, executor of Stephen P. Grove, deceased, late of Washington County, three thousand two hundred and ninety-two dollars.....	3,292.00
267. To Frisby Hildebrand, of Washington County, three hundred and one dollars.....	301.00
268. To Josiah Hill, of Washington County, two hundred and thirty-seven dollars.....	237.00

269. To Thomas Hilleary, of Frederick County, six hundred and twenty-seven dollars.....	\$627.00
270. To Reuben A. Hurley, of Montgomery County, administrator de bonis non of A. F. Hurley, deceased, late of Lyon County, Nevada, one thousand one hundred and fifty dollars.....	1,150.00
271. To Jacob A. Hutzell and Edward E. Hutzell, administrators of Adam Hutzell, deceased, late of Washington County, four hundred and eleven dollars.....	411.00
272. To C. M. Keedy and others, executors of John J. Keedy, late of Washington County, four hundred and sixty-two dollars.....	462.00
273. To Jacob A. Miller, administrator of Samuel Kilham, deceased, late of Washington County, one thousand one hundred and twenty-five dollars.....	1,125.00
274. To Esther Knode, administratrix of John E. Knode, deceased, late of Washington County, six hundred and sixty-seven dollars.....	667.00
275. To Benjamin F. Middlekauff, administrator of Henry J. Lowman, deceased, late of Washington County, three hundred and fifty dollars.....	350.00
276. To Andrew J. McAllister, of Washington County, fifty dollars.....	50.00
277. To Henry Tolson, administrator of George W. Marriott, deceased, late of Prince George County, two hundred and fifteen dollars and twenty five cents.....	215.25
278. To Julia A. Mayer, executrix of John L. Mayer, deceased, late of Washington County, three hundred and fifty-six dollars.....	356.00
279. To Daniel N. and Levi Middlekauff, administrators of John C. Middlekauff, deceased, late of Washington County, one hundred and sixty dollars.....	160.00
280. To Joseph M. Middlekauff, of Washington County, ninety-three dollars.....	93.00
281. To Jacob F. Miller, of Washington County, three hundred and twenty-three dollars.....	323.00
282. To H. H. Keedy and Charles W. Adams, administrators of John Miller, deceased, late of Washington County, four hundred and seventy-five dollars.....	475.00
283. To Hamilton A. Moore, of Washington County, one hundred and eighty dollars.....	180.00
284. To the administrators or legal representatives of James W. J. Moore, deceased, late of Leonardtown, one thousand and forty dollars...	1,040.00
285. To Daniel M. Mullendore, of Washington County, three hundred and seventy dollars and fifty cents.....	370.50
286. To Henry C. Mumma and others, executors of Samuel Mumma, deceased, late of Sharpsburg, eight hundred and fifty-three dollars..	853.00
287. To Victor Miller, administrator of Joshua Newcomer, deceased, late of Washington County, eight hundred and eighty dollars.....	880.00
288. To John L. Nicodemus, of Washington County, one hundred and thirty dollars.....	130.00
289. To John L. Nicodemus, administrator of John Nicodemus, deceased, late of Washington County, six hundred and forty-five dollars...	645.00
290. To John T. Norris, executor of Bernard T. Norris, deceased, late of Montgomery County, three hundred dollars.....	300.00
291. To George W. Padgett, of Frederick County, two thousand two hundred and eighty dollars.....	2,280.00
292. To James F. Pierce, of Montgomery County, two thousand five hundred and five dollars.....	2,505.00
293. To Lawson W. Poffinberger, executor of Joseph Poffinberger, deceased, late of Washington County, one thousand nine hundred and eighteen dollars.....	1,918.00
294. To David A. Ray, of Montgomery County, one hundred and fifty-one dollars and five cents.....	151.05
295. To Asa C. Remsburg and George W. Remsburg, executors of Isaac Remsburg, deceased, late of Washington County, six hundred and eleven dollars.....	611.00
296. To James Resley, of Washington County, five hundred and fourteen dollars and fifty cents.....	514.50
297. To Reuben Rouzee, of Montgomery County, one thousand four hundred and fifty dollars.....	1,450.00
298. To H. B. Snively and A. G. Lovell, executors of George Snively, deceased, late of Washington County, one hundred and seventy-four dollars.....	174.00

299. To A. T. Snouffer, of Frederick County, nine hundred and eighty-three dollars.....	\$983.00
300. To Eveline Fries, sole heir of John Snyder, deceased, late of Washington County, two hundred and thirty-three dollars.....	233.00
301. To William P. Hickman, administrator of George W. Spates, deceased, late of Montgomery County, two thousand two hundred and forty-eight dollars.....	2,248.00
302. To George E. Stonebraker, of Washington County, one thousand two hundred and thirty-seven dollars.....	1,237.00
303. To William F. Stonebraker, administrator of Christian Stonebraker, deceased, late of Washington County, two thousand and thirty-one dollars.....	2,031.00
304. To T. Wilson Stonestreet, of Montgomery County, six hundred and forty-three dollars.....	643.00
305. To James A. Tennant, of Washington County, four hundred and twenty-one dollars.....	421.00
305a. James Trimble and Mary Blakely, executors of Joseph Trimble, deceased, three thousand seven hundred and ninety dollars.....	3,790.00
305b. To the heirs of William Trimble, deceased, six thousand six hundred and twenty dollars.....	6,620.00
306. To Lewis Trone, of Washington County, five hundred and fifty-five dollars and fifty cents.....	555.50
307. To Lavinia Viers, administratrix of Jesse Viers, deceased, late of Montgomery County, one thousand nine hundred and twenty-five dollars.....	1,925.00
308. To Eli Wade, William Wade, Mary E. Wade, Susan C. Wade Elizabeth J. Hoffman, nee Wade, heirs of Henry Wade, deceased, late of Washington County, two thousand nine hundred and two dollars.....	2,902.00
309. To Eli Wade, administrator of John A. Wade, deceased, late of Washington County, one thousand seven hundred and fifty-five dollars.....	1,755.00
310. To Mary E. Ward, executrix of Enoch G. Ward, deceased, late of Montgomery County, one hundred and fifty-one dollars and five cents.....	151.05
311. To William B. White, of Montgomery County, six hundred and seventy-two dollars and fifty cents.....	672.50
312. To Laura C. Wilson, administratrix of Richard T. Wilson, deceased, late of Montgomery County, one thousand four hundred and fifty-five dollars.....	1,455.00
Total for Maryland.....	74,447.05

MISSISSIPPI.

313. To Bettie A. Aldrich, late of Washington County, two thousand six hundred and five dollars.....	2,605.00
314. To John N. Tucker, administrator of Minerva O. Anthony, deceased, late of Marshall County, one thousand seven hundred and fifty-nine dollars.....	1,759.00
315. To W. W. Perkins, administrator of Thomas Appleton, deceased, late of Panola County, four hundred and sixty dollars.....	460.00
316. To John C. Bailey, of Marshall County, one thousand five hundred and eighty-seven dollars.....	1,587.00
317. To William H. Belue, administrator of Nathan H. Belue, deceased, late of Tishomingo County, three hundred and twenty-five dollars.....	325.00
318. To Rebecca L. Bolling, of Warren County, eight hundred and forty-five dollars.....	845.00
319. To Samuel Bagnell, administrator of Tenor Braboy, deceased, late of Claiborne County, nine hundred and ninety-five dollars.....	995.00
320. To L. M. Lowenburg, administrator de bonis non of O. C. Brooks, deceased, late of Warren County, eight thousand eight hundred and twenty-five dollars.....	8,825.00
321. To D. J. Foremon, administrator of Sarah Burton, deceased, late of Warren County, five hundred and seventy-one dollars.....	571.00
322. To L. W. Carradine, administrator of Medora A. Butler (formerly Medora A. Scott), deceased, late of Jefferson County, three thousand five hundred and ten dollars.....	3,510.00
323. To James Carroll, of Yazoo County, three hundred and forty dollars.....	340.00
324. To Matilda Dixon, administratrix of George W. Carter, deceased, late of Adams County, three hundred and eighteen dollars.....	318.00

325. To John W. Cato, administrator of John D. Cato, deceased, late of Warren County, two thousand six hundred and thirty-six dollars.	\$2,636.00
326. To J. W. Causey, of Alcorn County, one thousand five hundred and one dollars.	1,501.00
327. To Susan V. Hedderman, administratrix of Robert P. Chambers, deceased, late of Scott County, five hundred and ninety-two dollars.	592.00
328. To Samuel Chase, of Warren County, one hundred and ten dollars.	110.00
329. To Preston Chavis, deceased, late of Warren County, eight hundred and twenty dollars.	820.00
330. To Calvin Cheairs, of Benton County, five thousand five hundred and forty-five dollars.	5,545.00
331. To Mrs. Rowena Clark, of Warren County, one thousand five hundred dollars.	1,500.00
332. To Evan Cook, administrator of John S. Cook, deceased, late of Hinds County, one thousand seven hundred and eighty dollars.	1,780.00
333. To K. D. Wright, administratrix of Lucy Cordell, deceased, late of Hinds County, six hundred and eighty-four dollars.	684.00
334. To W. T. Ratliff, administrator of Willis Cotton, deceased, late of Hinds County, two hundred and seventy dollars.	270.00
335. To E. E. Temple, administrator of Drury Couch, deceased, late of Lafayette County, one thousand six hundred and ninety-six dollars.	1,696.00
336. To Lucy Cox, administratrix of Elizabeth Cox, deceased, late of Alcorn County, one hundred and sixty dollars.	160.00
337. To Mrs. Pamela H. Chamberlain, administratrix of Jacob Crizer, deceased, late of Adams County, two thousand four hundred and twenty-six dollars.	2,426.00
338. To Pleasant L. Crosby, administrator of Peter Crosby, deceased, late of Warren County, two hundred and twenty-five dollars.	225.00
339. To the estate of Thomas O. Davis, deceased, late of Hinds County, one thousand and twelve dollars.	1,012.00
340. To Edward V. Dickens, of Panola County, four thousand two hundred and eighty dollars.	4,280.00
341. To W. T. Ratliff, administrator of Peter Dunbar, deceased, late of Hinds County, three hundred and twenty dollars.	320.00
342. To J. W. Thomas, executor of Mary J. Dunn, deceased, late of Lee County, one thousand three hundred and thirty-five dollars.	1,335.00
343. To John Ehs, of Jackson County, six hundred and twenty-seven dollars.	627.00
344. To James G. Ferguson, of Warren County, fifteen thousand and sixty-three dollars.	15,063.00
345. To G. W. Ferguson, administrator of John Ferguson, deceased, late of Warren County, six thousand seven hundred and eighty-five dollars.	6,785.00
346. To Samuel Bagnell, administrator of Ignatius G. Flowers, deceased, late of Claiborne County, seven thousand nine hundred and thirty-five dollars.	7,935.00
347. To C. A. French, administrator of William Foster, deceased, late of Claiborne County, seven hundred and twelve dollars.	712.00
348. To James P. Fudge, of Lafayette County, two hundred and ninety-two dollars and seventy-five cents.	292.75
349. To A. H. Hamer, administrator of George Gorman, deceased, late of Marshall County, three thousand one hundred and five dollars.	3,105.00
350. To W. B. Mason, administrator of Henry Gorman, deceased, late of Marshall County, two hundred and twenty-six dollars.	226.00
351. To Sarah Gosehorn, of Claiborne County, five hundred and eighty-four dollars.	584.00
352. To Eliza Green, of Warren County, seventeen thousand eight hundred and forty-eight dollars.	17,848.00
353. To James C. Newman, administrator of Hal W. Green, deceased, late of Warren County, three thousand four hundred and twenty-five dollars.	3,425.00
354. To George C. Harper, of Scott County, three thousand six hundred and sixty-eight dollars.	3,668.00
355. To P. N. Harris, administrator of William Harris, deceased, late of Tishomingo County, one thousand one hundred and twenty-five dollars.	1,125.00
356. To R. M. Johnston, administrator of Samuel Herd, deceased, late of Newton County, two thousand one hundred and five dollars.	2,105.00
357. To Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, nineteen thousand four hundred and forty-five dollars.	19,445.00

358. To Mary E Jeter, administratrix of John J. Jeter, deceased, late of Warren County, six hundred and fifty dollars	\$650.00
359. To Benjamin B. Jordan, of Alcorn County, six hundred and thirty-five dollars	635.00
360. To Mrs. Hattie E. Ladd (formerly Hattie E. Black), of Yalobusha County, nine hundred and eighty-five dollars	985.00
361. To Aaron Langley, of Hinds County, three hundred and eighty dollars	380.00
362. To Mary T. Leake, of Warren County, two hundred and twenty-five dollars	225.00
363. To Virginia Lowe, of Claiborne County, six hundred and fifteen dollars	615.00
364. To Levi M. Lowenburg, of Warren County, one thousand eight hundred and twenty-five dollars	1,825.00
365. To Ellen McCarty, of Warren County, one thousand and seventy-seven dollars	1,077.00
366. To Judith McKinney, administratrix of Wilson McKinney, deceased, late of Tishomingo County, four hundred and twenty-five dollars	425.00
367. To W. J. Folkes, administrator of George Markham, deceased, late of Warren County, five thousand and thirty-five dollars	5,035.00
368. To George W. Marlar, of Tishomingo County, one thousand one hundred and fifty-four dollars	1,154.00
369. To Rebecca L. Bolling, administratrix of Emily R. Martin, deceased, late of Vicksburg, one thousand seven hundred and sixty dollars	1,760.00
370. To James Harding, administrator of James H. Maury, deceased, late of Claiborne County, one thousand nine hundred and fifty dollars	1,950.00
371. To Mary Jane Middleton (formerly Mary Jane Wharton), of Franklin County, five hundred and sixty dollars	560.00
372. To W. C. Mitchell, administrator of W. W. Mitchell, deceased, late of Tallahatchie County, two thousand and forty-two dollars	2,042.00
373. To Ann M. Montgomery, of Adams County, three hundred and eighty-six dollars	386.00
374. To F. M. Blunt, administrator of Archibald Morrison, deceased, late of Tishomingo County, seven hundred and thirty-nine dollars	739.00
375. To Mary H. Bush, heir of John Morrison, deceased, late of Hinds County, five hundred and twenty-three dollars and thirty-three cents	523.33
376. To Robert Moss, of Hinds County, six thousand and sixty dollars	6,060.00
377. To Catherine Murchison, of Hinds County, one thousand four hundred and sixty-one dollars	1,461.00
378. To C. A. French, administrator of James J. Nance, deceased, late of Claiborne County, five hundred and fifty dollars	550.00
379. To Allie V. Askew, administratrix de bonis non of W. W. Neeley, deceased, late of Warren County, eight thousand five hundred and forty dollars	8,540.00
380. To John C. Bailey, administrator of Andrew Nichols, late of Marshall County, one thousand and sixty-seven dollars	1,067.00
381. To Henry C. Nichols, of Marshall County, nine hundred and eighty dollars	980.00
382. To James H. Owens (or Owen), of Scott County, eight hundred and twenty-five dollars	825.00
383. To Nancy Patrick, administratrix of James M. Patrick, deceased, late of Alcorn County, seven hundred and eighty-one dollars	781.00
384. To James S. Hamilton, administrator of Turner Patterson, deceased, late of Hinds County, two hundred and thirty dollars	230.00
385. To Jacob Peebles, of Adams County, seven hundred and fifty dollars	750.00
386. To R. J. Harding, administrator of Nelson Potter, deceased, late of Hinds County, six hundred and seventy-seven dollars	677.00
387. To Amadeus F. and Theophilus W. Potts, of Panola County, one thousand seven hundred and fifteen dollars	1,715.00
388. To A. J. Conklin, administrator of Mary Powell, deceased, late of Warren County, one thousand eight hundred and thirty-five dollars	1,835.00
389. To M. K. Redwine, administratrix of James A. Redwine, deceased, of Lafayette County, five hundred and forty-five dollars	545.00

390. To P. E. Matthews, administrator of William C. Reeves, deceased, late of Lafayette County, three hundred and nine dollars.....	\$309.00
391. To Aaron Royston, of Marshall County, two hundred and fifty dollars.....	250.00
392. To Fletcher B. Neblett, administrator of Richmond T. Rutledge, deceased, late of Tishomingo County, eight thousand three hundred and fifty-one dollars.....	8,351.00
393. To Thomas Ryan, of Claiborne County, three hundred and seventy dollars.....	370.00
394. To Alexander Seals, of Marshall County, three hundred and ninety dollars.....	390.00
395. To Patrick Sheehan, of Warren County, nine hundred and seventy-six dollars.....	976.00
396. To Claudius L. Shipp, administrator of Felix G. Shipp, deceased, late of Lafayette County, one thousand eight hundred and ninety-five dollars.....	1,895.00
397. To T. C. Dockrey, administrator of William Sloan, deceased, late of De Soto County, six hundred and twenty-two dollars.....	622.00
398. To C. S. Farrar, administrator of Gray W. Smith, deceased, late of Marshall County, eleven thousand and eighty dollars.....	11,080.00
399. To Mrs. J. A. Sorrell, administratrix of E. F. Sorrell, deceased, late of Alcorn County, one thousand four hundred and forty-three dollars.....	1,443.00
400. To Albert H. Sprich, of Amite County, seven hundred and fifty dollars.....	750.00
401. To William T. Robertson, administrator of Ira A. Sprouse, deceased, late of Scott County, two hundred and ten dollars.....	210.00
402. To F. B. Stewart, administrator of Joseph W. Stewart, deceased, late of Scott County, six hundred and eighty-two dollars.....	682.00
403. To Martha J. Stewart, of Jefferson County, two thousand three hundred and seventeen dollars.....	2,317.00
404. To I. S. Ash, administrator of Malinda Stone, deceased (formerly Malinda Whaley), late of Marshall County, seven hundred and thirty-five dollars.....	735.00
405. To L. M. Loewenberg, administrator of Seth R. and C. W. Strong, deceased, late of Warren County, seven hundred and twenty dollars.....	720.00
406. To Catharine Sulm, administratrix of George Sulm, deceased, late of Madison County, eight hundred and thirty-seven dollars.....	837.00
407. To N. D. Graham, administrator of James Summers, deceased, late of Scott County, two hundred and eighty dollars.....	280.00
408. To S. M. Weaver, administrator of Jonathan Summers, deceased, late of Scott County, four hundred and sixty-eight dollars.....	468.00
409. To Emily Thrift, administratrix of S. B. Thrift, deceased, late of Warren County, one thousand five hundred and five dollars.....	1,505.00
410. To Elias Unger, of Claiborne County, nine hundred and fifty-eight dollars.....	958.00
411. To Martha Walker, administratrix of Sandy Walker, deceased, late of Marshall County, three hundred and fifty dollars.....	350.00
412. To Enoch P. Ward, of Marshall County, one thousand six hundred and seventy-three dollars.....	1,673.00
413. To Harriet Washington, administratrix of Mack and Simon Washington, deceased, late of Wilkinson County, eight hundred and fifty-five dollars.....	855.00
414. To W. T. Ratcliffe, administrator of Nancy Wells, deceased, late of Hinds County, one thousand one hundred and sixty-nine dollars..	1,169.00
415. To Shelton White, executor of Clark C. White, deceased, late of Marshall County, four thousand four hundred dollars.....	4,400.00
416. To Mattie S. Whitney, administratrix of Franklin Whitney, deceased, late of Claiborne County, twenty-two thousand two hundred and twenty-four dollars.....	22,224.00
417. To Meshac Franklin, administrator of John K. Wilborn, deceased, late of Marshall County, six hundred and forty dollars.....	640.00
418. To Jane Williams, of Amite County, one thousand four hundred and forty dollars.....	1,440.00
419. To Wilson Williams, administrator of Roderick Williams, deceased, late of Lafayette County, two hundred and thirty-seven dollars..	237.00
420. To Robert S. and George W. Woodbury, of Issaquena County, two thousand five hundred and seventy dollars.....	2,570.00
Total for Mississippi	249,666.08

MISSOURI.

421. To Andrew Allen, of Cass County, four hundred and eighty-four dollars	\$484.00
422. To Napoleon B. Allen, of Madison County, nine hundred and forty-eight dollars	948.00
423. To E. W. Atchley, administrator of Thomas V. Atchley, deceased, late of Laclede County, three hundred and fifty dollars	350.00
424. To Wiley Bailey, of Cass County, two hundred and twenty-five dollars	225.00
425. To Charles Balmer, surviving partner of Balmer and Weber, of Saint Louis, three thousand and seventy-two dollars and twenty-five cents	3,072.25
426. To W. W. Nelms, administrator of Alexander Barclay, deceased, late of Benton County, two thousand eight hundred and eighty-five dollars	2,885.00
427. To Daniel P. Belcher, of Cass County, one hundred dollars	100.00
428. To J. M. Bell, of Vernon County, seven hundred and fifty-five dollars	755.00
429. To George W. Black, administrator of George Black, deceased, late of Reynolds County, one hundred and eighty dollars	180.00
430. To Thomas S. Boyd, of Lawrence County, three hundred and fifteen dollars	315.00
431. To Cornelius Boyle, of Cass County, two hundred and seventeen dollars	217.00
432. To Jonathan Buzzard, of Newton County, two hundred and seventy-five dollars	275.00
433. To Sarah M. Carlisle, administratrix of George A. Carlisle, deceased, late of Iron County, one hundred and fifty dollars	150.00
434. To George W. Claypool, administrator of Reuben Claypool, deceased, late of Greene County, six hundred and seven dollars	607.00
435. To Samuel Coday, senior, of Wright County, seventy dollars	70.00
436. To Thaddeus Collard, one hundred and fifty dollars	150.00
437. To Jacob V. L. Davis, of Saline County, four hundred and sixty-two dollars	462.00
438. To Timothy W. Davis, of Lawrence County, three hundred and seventeen dollars	317.00
439. To J. W. Fuson, administrator of Harvey Drennan, deceased, late of Phelps County, seven hundred and five dollars	705.00
440. To C. E. Hall, administrator of Felix G. Duvall, deceased, late of Newton County, six hundred and sixty-five dollars	665.00
441. To Jackson Fleetwood, of Douglas County, seventy-five dollars	75.00
442. To Francis M. Gaddy, of Phelps County, three hundred and sixty dollars	360.00
443. To Martin F. Gaddy, administrator of H. A. Gaddy, deceased, late of Phelps County, one thousand and ninety-six dollars	1,096.00
444. To Simeon Gilbreath, of Bates County, eight hundred and sixty-nine dollars	869.00
445. To Ambers Graham, of Jackson County, two hundred and fifty-six dollars	256.00
446. To David Graham, of Jackson County, five hundred and fifty dollars	550.00
447. To George W. Griffith, of Jackson County, one thousand nine hundred and seventy-five dollars	1,975.00
448. To L. B. Hearrell, of Newton County, seven hundred and forty-four dollars and ten cents	744.10
449. To John Hightower, of Jackson County, five hundred and forty-five dollars	545.00
450. To A. L. and W. G. Keithley, of Taney County, eight hundred and sixty-seven dollars	867.00
451. To Levi W. Knight, administrator of Nathan H. Knight, deceased, late of Laclede County, five hundred and eighteen dollars	518.00
452. To Mangram E. Langston, of Howell County, three hundred and fifty dollars	350.00
453. To Mary E. Layton, administratrix of John M. Layton, deceased, late of Taney County, seven hundred dollars	700.00
454. To John P. Legg, administrator of Arch. C. Legg, late of Henry County, one thousand and fifty dollars	1,050.00
455. To J. S. Goss, administrator of J. S. Lee, deceased, late of Webster County, seven hundred and ten dollars	710.00

456. To Pleasant Longacre, administrator of Richard Longacre, deceased, late of Cass County, one thousand one hundred and fifty-five dollars.....	\$1,155.00
457. To John W. Luttrell, administrator of Green Luttrell, deceased, late of Polk County, one thousand six hundred and twenty dollars.....	1,620.00
458. To John T. Lynch, administrator of David Lynch, deceased, late of Texas County, one hundred and seventy-five dollars.....	175.00
459. To John T. Lynch, of Texas County, one hundred and fifty dollars.....	150.00
460. To William McDaniel, of Christian County, one hundred and forty-four dollars.....	144.00
461. To David McKinney, of Texas County, two hundred and sixty-five dollars.....	265.00
462. To Henry L. Mitchell, of Benton County, two thousand four hundred and thirty dollars.....	2,430.00
463. To Lamoreux N. Kennedy, administrator of Edward Morgan, deceased, late of Vernon County, one hundred dollars.....	100.00
464. To James H. Moyer, of Iron County, five hundred and sixty dollars.....	560.00
465. To John L. Peters, surviving partner of John L. Peters and Company, late of Saint Louis, three thousand one hundred and fifteen dollars and fifty cents.....	3,115.50
466. To Josiah H. Pilcher, of Jackson County, nine hundred and seventy-one dollars.....	971.00
467. To Jehu Robinson, of Webster County, one hundred and seventy-six dollars.....	176.00
468. To Henry Sharp, of Laclede County, one thousand one hundred and seventy-eight dollars.....	1,178.00
469. To Thomas A. Skeen, administrator of Wilson Skeen, deceased, late of Greene County, two hundred and twenty-seven dollars.....	227.00
470. To Thaddeus Snyder, of Greene County, three hundred and eighty-five dollars.....	385.00
471. To William Strawhorn, of Phelps County, five hundred and ninety-three dollars.....	593.00
472. To Francis M. Swanson, of Miller County, thirty-seven dollars and fifty cents.....	37.50
473. To E. L. Tuggle, of Cass County, eight hundred and sixty dollars..	860.00
474. To M. C. Vinton, administrator of Samuel S. Vinton, deceased, late of Greene County, seven thousand three hundred and thirty-five dollars.....	7,335.00
475. To Joseph L. Walls, of Pettis County, one thousand two hundred and seventy-two dollars.....	1,272.00
476. To Fanny White, administratrix of Moses White, deceased, late of Camden County, one thousand one hundred and sixty-eight dollars.....	1,168.00
477. To Jackson Willhite, of Texas County, two hundred and forty-nine dollars.....	249.00
478. To George Withers, administrator of H. M. Withers, deceased, late of Cooper County, four hundred and thirty-five dollars.....	435.00
479. To Benjamin A. Woods, of Newton County, six hundred and five dollars.....	605.00
480. To John Zeltner, administrator of Xavier Zeltner, deceased, late of Howard County, one hundred and twenty-five dollars.....	125.00
Total for Missouri	48,928.35

NORTH CAROLINA.

481. To Peter R. Andrews, administrator of Peter Andrews, deceased, late of Jones County, three hundred and sixteen dollars.....	316.00
482. To Nancy M. Bass, administratrix of William Bass, deceased, late of Wayne County, one thousand one hundred and ten dollars.....	1,110.00
483. To Thomas H. Brinegar, of Davie County, two hundred and fifty dollars.....	250.00
484. To Flora J. Campbell, of Harnett County, six hundred and thirty-three dollars.....	633.00
485. To J. A. Burgnyn, administrator of Dorsey S. Deloatch, deceased, late of Northampton County, three hundred and fifteen dollars..	315.00
486. To John F. Grantham, administrator of Needham Grantham, deceased, late of Sampson County, six hundred and seventy-seven dollars.....	677.00
487. To S. L. Wallace, administrator of Mason Jones, deceased, late of Martin County, five hundred and thirty-five dollars.....	535.00

488. To Rachel McCormick, administratrix of Duncan McCormick, deceased, late of Cumberland County, six hundred and twenty-five dollars.....	\$625.00
489. To Furneyfold Mercer, of Jones County, seven hundred and forty-seven dollars.....	747.00
490. To Richmond G. Sheek, of Davie County, two hundred dollars....	200.00
491. To William H. Mathias, administrator of Luton Speight (or Spikes), deceased, late of Gates County, one hundred and twenty-five dollars.....	125.00
492. To Nathaniel K. Thornton, of Sampson County, six hundred and seventy dollars.....	670.00
Total for North Carolina.....	6,203.00

OHIO.

493. To David Hicks, of Hamilton County, three hundred and forty dollars.....	340.00
494. To George Keel, of Hamilton County, three hundred dollars.....	300.00
Total for Ohio	640.00

PENNSYLVANIA.

495. To the heirs of the estate of Nicholas J. Bigley, deceased, late of Pittsburg, Sarah M. McMeal, Joseph H. Bigley, Catherine L. Grace, Mary E. Smith, George Carrol Bigley, Susannah L. McCormick, Agnes Loretta Suter, Nicholas J. Bigley, and John W. Bigley, forty-two thousand six hundred and eleven dollars and fifty cents.....	42,611.50
496. To A. J. Schwartz, administrator of M. Schwartz, late of Adams County, six hundred and twenty-two dollars.....	622.00
Total for Pennsylvania	43,233.50

SOUTH CAROLINA.

497. To Isaac K. James, of Fairfield County, two thousand six hundred and two dollars.....	2,602.00
498. To Edward Reed, of Richland County, two hundred and sixty dollars.....	260.00
Total for South Carolina.....	2,862.00

TENNESSEE.

499. To M. A. Gober, administrator of Joseph T. Abernathy, deceased, late of Fayette County, two thousand four hundred and fifty-five dollars.....	2,455.00
500. To Bettie L. Abington, administratrix de bonis non of James B. Abington, deceased, and E. A. Reid, administrator of J. H. Abington, deceased, late of Shelby County, six thousand dollars.....	6,000.00
501. To T. S. Galloway, administrator of Darling Allen, deceased, late of Fayette County, one thousand eight hundred and eighty dollars..	1,880.00
502. To Meade Frierson, administrator of W. J. Anderson, deceased, late of Marshall County, eight hundred and sixty dollars.....	860.00
503. To David P. Atkinson, of Wayne County, one hundred and sixty-five dollars.....	165.00
504. To H. C. Austin, administrator of Clisbe Austin, deceased, late of Hawkins County, one thousand two hundred and twenty-five dollars.....	1,225.00
505. To Elizabeth Stewart, administratrix of Levi A. Baker, deceased, late of Davidson County, eight hundred and ninety-three dollars.....	893.00
506. To Sidney Bancom, of Carroll County, eighty-five dollars.....	85.00
507. To James M. Barkley, administrator of William S. Barkley, deceased, late of Washington County, five hundred and sixty-three dollars.....	563.00
508. To John Bateman, of Fayette County, six hundred and eighty-two dollars.....	682.00
509. To Mary E. Bates, administratrix of James K. Bates, deceased, late of Shelby County, nine hundred dollars.....	900.00
510. To George W. Beasley, of Fayette County, six hundred and eighteen dollars.....	618.00

511. To W. S. Beck, administrator of Joshua Beck, deceased, late of Hamilton County, six thousand one hundred dollars.....	\$6,100.00
512. To William S. Bewley, of Hamblen County, four hundred and eighty dollars.....	480.00
513. To William J. Bishop, of Fayette County, three hundred and eighty-eight dollars.....	388.00
514. To Charles R. Holmes, administrator of Alfred Blackman, deceased, late of Rutherford County, three thousand and fifty-eight dollars.	3,058.00
515. To J. R. Bondurant, administrator of Elizabeth C. Bondurant, deceased, late of Davidson County, nine hundred and fifteen dollars.	915.00
516. To A. T. Bone, administrator of James T. Bone, deceased, late of Gibson County, five hundred and thirty-five dollars.....	535.00
517. To John T. Hicks, administrator of Benjamin L. Branch, deceased, late of Shelby County, three hundred and twenty-five dollars....	325.00
518. To Cauzada Brewer, of Wayne County, one hundred and eighty-eight dollars.....	188.00
519. To J. L. Cochran, administrator of William Brooks, deceased, late of Henderson County, three hundred and thirty dollars.....	330.00
520. To J. L. Cochran, administrator of William Brooks, deceased, late of Henderson County, one hundred and eighty-three dollars.....	183.00
521. To W. J. Embry, executor of John P. Brown, deceased, late of Maury County, five thousand one hundred and ninety-two dollars.....	5,192.00
522. To John O. Buford, of Fayette County, four hundred and fifty dollars.....	450.00
523. To John H. Caldwell, of Jefferson County, two hundred and forty dollars.....	240.00
524. To Robert Caldwell, of Jefferson County, three hundred dollars....	300.00
525. To B. C. Thornburgh, administrator of Robert Caldwell, deceased, late of Jefferson County, two hundred and seventy-six dollars....	276.00
526. To A. B. Cannon, administrator of Jane W. Cannon, late of Jefferson County, one hundred and fifty dollars.....	150.00
527. To Hugh Carothers, of Lawrence County, seven hundred and twenty dollars.....	720.00
528. To John A. Smith, executor of Rebecca Casey, deceased, late of Hardin County, seven hundred and seventy dollars.....	770.00
529. To J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, one thousand two hundred and twenty-five dollars.....	1,225.00
530. To Mary R. Rowlett, administratrix of Caleb R. Clement, deceased, late of Gibson County, one thousand one hundred and ninety-two dollars.....	1,192.00
531. To James W. Cole, administrator of Peter Cole, deceased, late of Wayne County, one hundred and eighty-two dollars.....	182.00
532. To P. B. Robinson, administrator of William R. Collier, deceased, late of Madison County, one hundred and seventy-one dollars....	171.00
533. To J. J. Turner, administrator of James A. Cooper, deceased, late of Lincoln County, four hundred and five dollars.....	405.00
534. To James D. Copeland, of Wayne County, two hundred and eighty-five dollars.....	285.00
535. To Slater and William Cowart, of Hamilton County, three thousand seven hundred and seventy-one dollars.....	3,771.00
536. To Sarah S. Cox, of Hawkins County, six hundred and thirty dollars.....	630.00
537. To F. L. Crafton, administrator of Paul C. Crafton, deceased, late of Gibson County, two hundred and fifty-eight dollars.....	258.00
538. To Mrs. B. E. Craven, of Hardin County, one hundred dollars.....	100.00
539. To A. B. Crenshaw, of Gibson County, three hundred dollars.....	300.00
540. To William Crews, of Gibson County, one hundred and twenty-five dollars.....	125.00
541. To M. V. Dalton, administratrix of Carson R. Dalton, deceased, late of Shelby County, nine hundred and thirty dollars.....	930.00
542. To John Deaton, of Chester County, one hundred and twenty-five dollars.....	125.00
543. To Sarah A. Dollis, administratrix of Henry C. Dollis, deceased, late of Shelby County, three hundred and sixty-five dollars.....	365.00
544. To Lucy E. Dowdy, executrix of W. P. Dowdy, deceased, late of Fayette County, one thousand three hundred and eighty dollars..	1,380.00
545. To Thomas N. Doyle, administrator of Newsom Doyle, deceased, late of Fayette County, one thousand six hundred and thirty dollars.....	1,630.00

546. To Alexander J. Drumwright, of Murfreesboro, one thousand one hundred and seventy-five dollars	\$1,175.00
547. To Watson J. Wade, administrator of Andrew J. Duncan, deceased, late of Nashville, Davidson County, ten thousand eight hundred and thirty-one dollars and ninety-nine cents	10,831.99
548. To John Loague, administrator of Patrick Dwyer, deceased, late of Shelby County, three hundred and fifty dollars	350.00
549. To Samuel S. Eason, of Davidson County, seven hundred and ninety-five dollars	795.00
550. To Abner East, of Shelby County, two hundred and forty dollars ..	240.00
551. To Washington East, of Shelby County, one hundred and sixty-five dollars	165.00
552. To William Edmiston, junior, executor of William Edmiston, deceased, late of Davidson County, six hundred and forty-two dollars ..	642.00
553. To John W. Burkitt, administrator of Joshua W. Elder, deceased, late of Rutherford County, one thousand five hundred and thirty-four dollars	1,534.00
554. To J. M. Fawcett, administrator of J. B. Fawcett and Joseph Watson, deceased, late of Hardeman County, seven hundred and sixteen dollars. One-half of the allowance herein, to wit, the sum of three hundred and fifty-eight dollars, is made to claimant as administrator of each of said decedents	716.00
555. To Mary J. Finley, of Cannon County, one hundred and thirty-five dollars	135.00
556. To James M. Flinn, of Shelby County, five hundred and forty-one dollars	541.00
557. To Timothy Foley, of Shelby County, two hundred and fifty dollars ..	250.00
558. To Thomas Forkner, of Monroe County, two hundred and seventy dollars	270.00
559. To Francis M. Freeman, of Giles County, five hundred dollars	500.00
560. To William A. Galloway, of Shelby County, one thousand dollars ..	1,000.00
561. To George L. Gray, of Franklin County, one thousand six hundred and forty-three dollars and twelve cents	1,643.12
562. To S. E. Green, executor of A. P. Green, deceased, late of Hamilton County, one thousand and forty-one dollars	1,041.00
563. To J. E. Line, administrator of Thomas Green, deceased, late of Hamblen County, one hundred dollars	100.00
564. To James T. S. Greenfield, of Maury County, six hundred and ninety-five dollars	695.00
565. To William C. Grisson, of Henderson County, two hundred and ninety-four dollars	294.00
566. To William C. Hale, administrator of Elijah M. Hale, deceased, late of Hamilton County, three thousand six hundred and five dollars ..	3,605.00
567. To J. K. P. Hale, executor of Stephen S. Hale, deceased, late of Gibson County, forty-one dollars	41.00
568. To Elzira Hamilton, of Claiborne County, one thousand three hundred and twenty dollars	1,320.00
569. To Franklin E. Hardwick, of Bradley County, six hundred and thirty-two dollars	632.00
570. To B. A. Crech, administratrix of John Hartman, deceased, late of Hamblen County, forty dollars	40.00
571. To David N. Heath, of Grainger County, seven hundred and eighty dollars	780.00
572. To S. B. Herbert, of Lawrence County, four hundred and twenty-five dollars	425.00
573. To Ruth Heywood, executrix of Humphrey B. Heywood, deceased, late of Bradley County, four hundred and seventy-five dollars	475.00
574. To Florence A. Puryear, administratrix of P. R. Hightower, deceased, late of Williamson County, one thousand six hundred and sixty dollars	1,660.00
575. To James C. Hodges, of Jefferson County, three hundred and nineteen dollars	319.00
576. To Mary E. Holmes, administratrix of Calvin Holmes, deceased, late of Shelby County, two thousand dollars	2,000.00
577. To James E. Holston, of Hamblen County, one hundred and forty dollars	140.00
578. To J. C. Hoodenpyle, administrator of Robert Hoodenpyle, deceased, late of Sequatchie County, one thousand six hundred and seventy-nine dollars	1,679.00

579. To William P. Hoskins, administrator of George C. Hoskins, deceased, late of Jefferson County, two hundred and forty-eight dollars.....	\$248.00
580. To Lucius Hough, of Maury County, one hundred and eighty dollars.....	180.00
581. To George W. Howse, of Rutherford County, one thousand seven hundred and fifty dollars.....	1,750.00
582. To C. M. Hunt, administratrix of John W. Hunt, deceased, late of Hardeman County, four thousand two hundred dollars.....	4,200.00
583. To Caty Jones, administratrix of William Irwin, deceased, late of Hawkins County, one hundred and twenty-five dollars.....	125.00
584. To William P. James, of Marion County, one thousand and nineteen dollars.....	1,019.00
585. To Charles R. Holmes, administrator of Thompson Jarrett, deceased, late of Rutherford County, nine hundred and seventy dollars.....	970.00
586. To James H. Jenkins, of Davidson County, two hundred and thirty dollars.....	230.00
587. To William Johnson, administrator of Thomas J. Johnson, deceased, late of Fayette County, thirteen thousand three hundred and seventy-eight dollars.....	13,378.00
588. To Ann Kannell, administratrix of John Kannell, deceased, late of Memphis, eight hundred and forty-one dollars.....	841.00
589. To Stephen Kee, of Shelby County, thirty dollars.....	30.00
590. To James A. Richardson, administrator of Ezekiel T. Keel, deceased, late of Shelby County, eight hundred and thirty-two dollars.....	832.00
591. To R. J. Burke, guardian of minor children of Peter Kelley, deceased, late of Madison County, four hundred and sixteen dollars.....	416.00
592. To Michael Kieff, of Giles County, three hundred and twenty dollars.....	320.00
593. To B. J. Kimbrough, administrator de bonis non of James Kimbrough, deceased, late of Shelby County, one thousand and ninety-one dollars.....	1,091.00
594. To John M. Kimbrough, of Monroe County, three hundred and eighty dollars.....	380.00
595. To Fredonia Knight, administratrix of Joseph T. Knight, deceased, late of Hardeman County, two hundred and sixty dollars.....	260.00
596. To Charles F. Beezley, administrator of J. C. Lanier, deceased, late of Shelby County, three thousand two hundred and eighty-nine dollars.....	3,289.00
597. To Annie Lawrence, of Fayette County, two hundred dollars.....	200.00
598. To Luke Lee, of Wayne County, two hundred and fifty-three dollars.....	253.00
599. To Morgan M. Lee, of Stewart County, one thousand three hundred dollars.....	1,300.00
600. To Thomas M. Leneave, administrator of Irby T. Leneave, deceased, late of Maury County, seven hundred and fifty dollars.....	750.00
601. To John D. Lowry, junior, administrator of Susan Lowry, deceased, late of McMinn County, three hundred and twenty-five dollars ..	325.00
602. To R. E. Wester, administrator of Joseph Lynn, deceased, late of Grainger County, five hundred and fifty-five dollars.....	555.00
603. To J. I. McCown, of Lincoln County, four hundred and fifty dollars.....	450.00
604. To Alexander Hynds, administrator of Samuel S. McCuiston, deceased, late of Jefferson County, three hundred and sixty-five dollars.....	365.00
605. To Elizabeth McIntyre, administratrix of Robert McIntyre, deceased, late of Knox County, one hundred and ninety-eight dollars.....	198.00
606. To R. Love, administrator of D. W. McKenzie, deceased, late of Fayette County, one thousand one hundred dollars.....	1,100.00
607. To Sarah L. McLemore, administratrix of John C. McLemore, deceased, late of Shelby County, five thousand three hundred and seventy dollars.....	5,370.00
608. To Edward E. Eslick, administrator of Henry P. McMillion, deceased, late of Giles County, one thousand one hundred and forty-eight dollars.....	1,148.00
609. To J. P. Sloan, executor of Mahala J. Mayse, deceased, late of Grainger County, three hundred and fifteen dollars.....	315.00
610. To William F. Moore, of Maury County, one thousand three hundred and forty-seven dollars.....	1,347.00
611. To Wright A. Moore, administrator of Wright A. Moore, deceased, late of Hardeman County, four hundred and sixteen dollars.....	416.00

612. To Nelson Mullins, of Rutherford County, three hundred and ninety-six dollars.....	\$396.00
613. To William M. Murdock, of Hamblen County, four hundred and thirty-five dollars.....	435.00
614. To Thomas Neilson, of Jefferson County, one hundred and sixty dollars.....	160.00
615. To John W. Devine, administrator of John G. Newlee, deceased, late of Claiborne County, four thousand two hundred and fifty dollars.....	4,250.00
616. To A. M. Applewhite, administrator of Andrew J. Newsom, deceased, late of Fayette County, six hundred dollars.....	600.00
617. To R. H. Ogilvie, of Maury County, two thousand one hundred and fifty dollars.....	2,150.00
618. To Joseph U. Orr, of Greene County, two hundred and fifty-five dollars.....	255.00
619. To Benjamin F. Owen, of Williamson County, two thousand five hundred and forty dollars.....	2,540.00
620. To Pleasant Owen, of Knox County, three hundred and eleven dollars.....	311.00
621. To John Warren, administrator of James Pankey, late of Hardeman County, one thousand seven hundred and thirty dollars.....	1,730.00
622. To J. C. Jenkins, administrator of B. M. Parham, deceased, late of Hardeman County, two hundred and thirty-two dollars and seventy-five cents.....	232.75
623. To Thomas Patrick, administrator of Marion Patrick, deceased, late of Jefferson County, one hundred and fifty dollars.....	150.00
624. To Samuel Patterson, of Grainger County, seven hundred and thirty dollars.....	730.00
625. To William F. Perry, of Gibson County, fifty-one dollars.....	51.00
626. To Maria L. Pettit, of Shelby County, one hundred and five dollars..	105.00
627. To James G. Phelan, of Gibson County, one hundred and eighteen dollars.....	118.00
628. To Andrew B. Phillips, of Maury County, five hundred and eighty-five dollars.....	585.00
629. To William Pickett, administrator of Jesse Pickett, deceased, late of Sequatchie County, four thousand seven hundred and thirty dollars.....	4,730.00
630. To Fayette J. Pulliam, of Fayette County, ninety-two dollars.....	92.00
631. To William A. Quarles, administrator of Mary Quarles, deceased, late of Jefferson County, two hundred and forty-three dollars....	243.00
632. To Green H. Ramsay, of Gibson County, one hundred and twenty dollars.....	120.00
633. To James Y. Reed, of Hardeman County, one hundred and twenty dollars.....	120.00
634. To John E. Bull, administrator of William Reed, deceased, late of Grundy County, six hundred and ninety-eight dollars.....	698.00
635. To W. T. Smith, administrator of Willis Robinson, deceased, late of Hardeman County, two hundred and twenty-five dollars.....	225.00
636. To John A. Roe, of Gibson County, two thousand seven hundred and sixty-three dollars.....	2,763.00
637. To Benjamin F. Scroggin, of Giles County, two hundred and fourteen dollars.....	214.00
638. To Samuel Smith, of Jefferson County, one hundred and eight dollars.....	108.00
639. To V. J. Smith, of Dyer County, one hundred and thirty dollars...	130.00
640. To Mary E. Speed, of Shelby County, two thousand one hundred and seventy-five dollars.....	2,175.00
641. To John B. Stafford, administrator of John Stafford, deceased, late of Fayette County, four hundred and ninety-five dollars.....	495.00
642. To Elizabeth C. Staples, administratrix of Michael A. Staples, deceased, late of Roane County, two hundred and eighty dollars....	280.00
643. To John Loague, administrator of John N. Stephens, deceased, late of Shelby County, five hundred dollars.....	500.00
644. To G. M. Bowen, administrator of Ross Talbott, deceased, late of Jefferson County, one thousand one hundred and ninety dollars..	1,190.00
645. To Robert Talley, of Haywood County, one hundred and seventy-five dollars.....	175.00
646. To Tobias Tenpenny, of Cannon County, two hundred dollars....	200.00
647. To A. T. Terrill, of Henderson County, two hundred and seventy-five dollars.....	275.00

648. To Archibald R. Thomas, of Madison County, nine hundred and thirty-eight dollars	\$938.00
649. To H. L. Thomas, administrator of B. R. Thomas, deceased, late of Shelby County, five thousand eight hundred and seventy-six dollars	5,876.00
650. To Wilkin Thomas, of Shelby County, two hundred and ten dollars ..	210.00
651. To John Gum, administrator of Ann Thompson, deceased, late of Rutherford County, one thousand one hundred and eighty-seven dollars	1,187.00
652. To T. D. Thurman, administrator of John G. Thurman, deceased, late of Shelby County, five hundred and eighty-five dollars	585.00
653. To Joseph Townsend, administrator of Peter Townsend, deceased, late of Tipton County, one thousand and forty-five dollars	1,045.00
654. To J. L. Trimble, of Gibson County, two hundred and sixty-five dollars	265.00
655. To E. J. Tucker, of Fayette County, six hundred and seventy-five dollars	675.00
656. To Jackson Tyler, of Davidson County, one thousand and twenty dollars	1,020.00
657. To George M. Campbell, administrator of F. M. Vandergriff, deceased, late of Dekalb County, one hundred and fifty dollars	150.00
658. To John D. Sale, administrator of John E. Van Pelt, deceased, late of Fayette County, one thousand seven hundred and ninety-eight dollars	1,798.00
659. To W. T. Wade, administrator of Allen Wade, deceased, late of McNairy County, three hundred and seventy-three dollars	373.00
660. To Osborn Walker, of Wayne County, six hundred and twenty-five dollars	625.00
661. To Marshall Wallace, executor of William Wallace, deceased, late of Hawkins County, six hundred and seventy-five dollars	675.00
662. To T. S. Gallway, administrator of Thomas J. Waller, deceased, late of Fayette County, two thousand two hundred and sixty dollars	2,260.00
663. To J. W. Newborn, administrator of Robert Waters, deceased, late of Shelby County, eight hundred and ninety dollars	890.00
664. To James Watterson, of Hawkins County, one hundred and thirty-two dollars	132.00
665. To Mary E. Weatherly, executrix of James M. Weatherly, deceased, late of Rutherford County, four hundred dollars	400.00
666. To William C. Wester, of Grainger County, one hundred and forty-four dollars	144.00
667. To Jane E. Wherry, administratrix of John J. Wherry, deceased, late of Sumner County, one thousand four hundred and eighty dollars	1,480.00
668. To Mary M. White, administratrix of Owen (or Orrin) White, deceased, late of Shelby County, four hundred and fifty-seven dollars	457.00
669. To Laura C. Newton, administratrix of Greenberry Williams, deceased, late of Sumner County, two thousand and seventy dollars	2,070.00
670. To Thomas H. Williams, administrator of Harvey Williams, deceased, late of Shelby County, seven hundred and fifty-nine dollars	759.00
671. To John W. Alexander, administrator of James S. Williams, deceased, late of Williamson County, one thousand and eighty dollars	1,080.00
672. To William A. Wood, of Lincoln County, two hundred and eighty-three dollars	283.00
673. To T. J. McClendon, administrator of John Wright, deceased, late of Davidson County, eight hundred and seventeen dollars	817.00
674. To Fannie Young, of Giles County, one hundred and twenty-five dollars	125.00
675. To Alfred A. Young, executor of Joseph Young, deceased, late of Giles County, three hundred and seventy-five dollars	375.00
Total for Tennessee	184,310.86

VIRGINIA.

676. To Loftin D. Allen, of Henrico County, one thousand six hundred and fifty-one dollars	1,651.00
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677. To Mary Caroline Allan, administratrix of Patterson Allan, deceased, late of Goochland County, three thousand three hundred and fifty dollars.....	\$3,350.00
678. To William H. Anderson, of Frederick County, seven hundred and forty-nine dollars.....	749.00
679. To William Taylor, administrator of Polly Blackwell, deceased, late of Rockingham County, two hundred and thirty dollars.....	230.00
680. To Adeline T. Blick, of Dinwiddie County, nine hundred and eight dollars.....	908.00
681. To Sarah W. Brown, of Alleghany County, six hundred and ninety-two dollars.....	692.00
682. To Susan Brown, of Culpeper, six hundred and sixty-four dollars and forty cents.....	664.40
683. To William Bushby, of Alexandria, one thousand seven hundred and twenty-eight dollars and eighty-five cents.....	1,728.85
684. To William B. Lynch, administrator of Jared Chamblin, deceased, late of Loudoun County, four hundred and forty-five dollars.....	445.00
685. To Martha S. Clark, of Amelia County, four hundred and fifty-nine dollars.....	459.00
686. To Elias Cooper, of Loudoun County, three hundred and twenty-four dollars.....	324.00
687. To R. D. Hardesty, administrator of Morgan Coxen, deceased, late of Clarke County, eight hundred and sixty-five dollars.....	86 .00
688. To Robert H. Davis, administrator of Thomas K. Davis, deceased, late of Prince William County, two thousand seven hundred and thirty-five dollars.....	2,735.00
689. To Alexander Donnan, administrator of Thomas Farrell, deceased, late of Prince George County, three thousand two hundred and seven dollars.....	3,207.00
690. To William T. Fauber, of Augusta County, three hundred and seventy-five dollars.....	375.00
691. To Elkanah Fawcett, of Winchester, one thousand five hundred and seventy-one dollars.....	1,571.00
692. To John E. Febrey, of Fairfax County, two thousand six hundred and thirty-six dollars.....	2,636.00
693. To Samuel Fitzhugh, administrator of Henry Fitzhugh, deceased, late of Spottsylvania County, nineteen thousand nine hundred and seventy-five dollars.....	19,975.00
694. To John E. Fletcher, of Fauquier County, one thousand and fifty dollars.....	1,050.00
695. To Samuel W. George, senior, of Loudoun County, six hundred and forty-two dollars.....	642.00
696. To Thomas M. Grayson, of Fauquier County, four hundred and fourteen dollars.....	414.00
697. To George W. Gunnell, administrator of Elizabeth Gunnell, deceased, late of Fairfax County, five thousand one hundred and twenty-four dollars.....	5,124.00
698. To Jesse Owings, trustee of Ann E. Harper, of Alexandria County, one thousand six hundred and eighty-eight dollars.....	1,688.00
699. To Mary A. Hart, of Clarke County, seven hundred and twenty dollars.....	720.00
700. To John R. Hornbaker, of Prince William County, three hundred and thirty dollars.....	330.00
701. To Lucy A. M. Jones, of Rappahannock County, one thousand three hundred and fifty-one dollars and fifty cents.....	1,351.50
702. To James H. Kennan, of Clarke County, two hundred and thirty-seven dollars.....	237.00
703. To Saint Clair D. Kirtley and Francis W. Kirtley, of Rockingham County, nine hundred and ninety-six dollars.....	996.00
704. To Mary F. Lewis, of Clarke County, one thousand and two dollars.....	1,002.00
705. To Jacob H. Lindsey, of Rockingham County, nine hundred and seventy-one dollars.....	971.00
706. To John Mulholland, Peter Mulholland, and Patrick Mulholland, of Fairfax County, six hundred and thirty dollars.....	630.00
707. To William, Joshua, Charles, and John Pearson, in their own right and as the heirs at law of Phillis Pearson, deceased, late of Fairfax County, one thousand three hundred and sixty dollars.....	1,360.00
708. To Jesse Piggott, of Loudoun County, five hundred and forty-eight dollars.....	548.00
709. To John Rickard, of Shenandoah County, eight hundred dollars ..	800.00

710. To Thomas W. Russell, of Clarke County, seven hundred and seventy-two dollars.....	\$772.00
711. To Wiley J. Wyatt, administrator of Joseph Sharp, deceased, late of Prince George County, one thousand eight hundred and forty dollars.....	1,840.00
712. To Ada B. Shumate and William C. Shumate, of Fauquier County, one thousand one hundred and ninety dollars.....	1,190.00
713. To James H. Shumate, of Fauquier County, three hundred and eighteen dollars.....	318.00
714. To Thomas B. Stewart, of Fauquier County, four thousand five hundred and nine dollars.....	4,509.00
715. To Emily Taylor, executrix of William H. Taylor, deceased, late of Fairfax County, one thousand nine hundred and thirty-five dollars.....	1,935.00
716. To James B. Russell, executor of Sampson Touchstone, deceased, late of Frederick County, one thousand one hundred and twenty-five dollars.....	1,125.00
717. To Rowena F. Vaughn, administratrix of Walker Vaughn, deceased, late of Culpeper County, five hundred and ten dollars.....	510.00
718. To Jonas Wampler, of Augusta County, one hundred and thirty-five dollars.....	135.00
719. To V. Dallas White, administratrix of Benjamin K. White, late of Dinwiddie County, two thousand two hundred and three dollars.....	2,203.00
720. To Daniel T. Wood, of Frederick County, nine hundred and twenty-one dollars.....	921.00
721. To William H. Woodard, of Shenandoah County, seven hundred and seventy-two dollars.....	772.00
722. To Matthew Woodward (or Woodyard), of Prince William County, four hundred and ninety dollars.....	490.00
Total for Virginia.....	77,148.75

WEST VIRGINIA.

723. To Moses C. Baylor, of Jefferson County, one thousand one hundred and forty-four dollars.....	1,144.00
724. To Catherine Beck, administratrix of John Beck, late of Jefferson County, three hundred and sixty-five dollars.....	365.00
725. To Allen H. Bonnifield, administrator de bonis non of Aaron Bonni-field, deceased, late of Tucker County, six thousand three hundred dollars.....	6,300.00
726. To John Bray, of Kanawha County, one hundred and sixty-two dollars.....	162.00
727. To William M. Coffman, administrator of Samuel Coffman, deceased, late of Greenbrier County, five hundred and fifty-five dollars.....	555.00
728. To Mrs. Margaret E. Crane, administratrix of Joseph Crane, deceased, late of Jefferson County, six hundred dollars.....	600.00
729. To Jacob Criser, of Jefferson County, nine hundred and thirty-eight dollars.....	938.00
730. To Isaiah Curry, of Kanawha County, five hundred and ninety-one dollars.....	591.00
731. To Newman H. Ellis, administrator of Joshua Ellis, deceased, late Fayette County, seven hundred and sixty-one dollars.....	761.00
732. To John M. Engle, of Jefferson County, six hundred and sixty-five dollars.....	665.00
733. To Nancy A. Engle, executrix of Edwin C. Engle, deceased, late of Jefferson County, two hundred and six dollars.....	206.00
734. To John A. Harmon, of Putnam County, five hundred and twenty-three dollars.....	523.00
735. To B. F. Harrison, administrator of Mary E. Hensell, deceased, late of Jefferson County, six hundred and twenty dollars.....	620.00
736. To J. Garland Hurst, administrator of John T. Henkle, deceased, late of Jefferson County, two thousand nine hundred and twenty-one dollars.....	2,921.00
737. To Robert Kilmer and Dennis M. Kilmer, administrators of Isaac Kilmer, deceased, late of Berkeley County, five hundred and seventy-one dollars.....	571.00
738. To Levi Baughman, administrator of Francis Kotz, deceased, late of Hardy County, two hundred and thirty-three dollars.....	233.00
739. To J. Baker Kearfoot, administrator of William M. Lemen, deceased, late of Jefferson County, five hundred dollars.....	500.00

740. To H. P. Brown, administrator of William McClintic, deceased, late of Greenbrier County, five hundred dollars	\$500.00
741. To Edward W. and Samuel McNeill, administrators of Daniel R. McNeill, deceased, late of Hardy County, one thousand seven hundred dollars	1,700.00
742. To J. Garland Hurst, administrator de bonis non of Jacob Merritt, deceased, late of Jefferson County, one thousand seven hundred and ten dollars	1,710.00
743. To Rhoda Neal, of Greenbrier County, three hundred and forty-five dollars	345.00
744. To John W. Ott, of Jefferson County, seven hundred and eight dollars	708.00
745. To Jonathan J. Pettit, of Jefferson County, eight hundred and seventy-seven dollars	877.00
746. To Charles L. Pyles, of Kanawha County, five hundred and eighty-six dollars	586.00
747. To Robert F. Reynolds, of Kanawha County, one thousand four hundred and eighty dollars	1,480.00
748. To Joseph L. Roberts, of Jefferson County, three hundred and ninety-five dollars	395.00
749. To John G. Ruckle, administrator of Samuel Ruckle, deceased, late of Jefferson County, three hundred and fifty-two dollars	352.00
750. To Catharine B. Brown, sole heir of John B. Rutherford, deceased, late of Jefferson County, one hundred and thirty dollars	130.00
751. To J. F. Engle, administrator of Uriah Rutherford, deceased, late of Jefferson County, one thousand seven hundred and ninety-five dollars	1,795.00
752. To James W. Schoppert, administrator of Samuel Schoppert, deceased, late of Berkeley County, one thousand six hundred and fifty-five dollars	1,655.00
753. To Milton Taylor, administrator of Henry Shobe, deceased, late of Grant County, five hundred and eighty-nine dollars	589.00
754. To Nimrod Shobe, of Grant County, two hundred and seventy-nine dollars	279.00
755. To Solomon Shobe, of Grant County, four hundred and seven dollars	407.00
756. To George Show, of Jefferson County, six hundred and ninety-five dollars	695.00
757. To Thomas O. Terry, of Fayette County, three hundred dollars ...	300.00
758. To Commodore P. Thompson, of Barbour County, four hundred and eighty dollars	480.00
759. To John Waldron, of Greenbrier County, six thousand nine hundred and eighty-four dollars and twenty cents	6,984.20
760. To Henrietta M. Waugh, of Jefferson County, six hundred and twenty dollars	620.00
761. To J. Ran Rhoderick, administrator of Benjamin Welsh, late of Jefferson County, eight hundred and ten dollars	810.00
762. To Thomas J. West, administrator of Thomas West, deceased, late of Jefferson County, one thousand and fifty-four dollars	1,054.00
763. To James M. Westfall, of Randolph County, two hundred and eighty-six dollars	286.00
764. To William A. Wiseman, administrator of Amos K. Wiseman, deceased, late of Fayette County, one thousand eight hundred and twenty dollars	1,820.00
765. To Branson I. Wood and A. D. Wood, administrators of Angus M. Wood, deceased, late of Hardy County, one thousand nine hundred and thirty-five dollars	1,935.00
766. To John H. Woodford, of Barbour County, five hundred and fifty dollars	550.00
767. To Henry T. Woody, of Kanawha County, three thousand and forty-six dollars	3,046.00
768. To George H. Woolwine, administrator of William Woolwine, deceased, late of Fayette County, two hundred and sixty-three dollars	263.00
769. To Samuel W. Wysong, executor of James Wysong, deceased, late of Jefferson County, three thousand five hundred and eighty-five dollars	3,585.00
Total for West Virginia	53,591.20
Stores and supplies	1,070,108.31

SUPPLEMENTAL BOWMAN AND RENT CASES.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the persons named below the sums mentioned in connection with their names, in full compensation for the amounts found due them by the Court of Claims for property taken or used by the Army of the United States during the war of the rebellion, as reported to Congress in the documents mentioned in connection with each case:

To Benjamin Peter Bailey, treasurer of the Missouri State Lunatic Asylum, of Fulton, Callaway County, Missouri, for occupancy of buildings and grounds during a period of twenty-three months, seventeen thousand two hundred and fifty dollars (House Miscellaneous Document Numbered Thirty-seven, Fifty-third Congress, second session).....	\$17,250.00
To Sarah K. T. Baker, for use and occupation of house and grounds at Paris, Bourbon County, Kentucky, two thousand four hundred dollars (House Miscellaneous Document Numbered Thirty-three, Fifty-second Congress, first session).....	2,400.00
To William A. Bickford, of Memphis, Tennessee, for rent of eight store-rooms in Exchange Block, three thousand eight hundred and forty dollars (House Miscellaneous Document Numbered Eighty-seven, Fifty-second Congress, second session)	3,840.00
To Mary E. Mette, administratrix of H. H. Mette, of Memphis, Tennessee, for rent of building, numbered three Exchange Block, on Front street, four hundred and eighty dollars (House Miscellaneous Document Numbered One hundred and thirty-seven, Fifty-first Congress, first session)	480.00
To David Miller, of Washington, District of Columbia, for occupation of property and supplies, six hundred and twenty-six dollars (House Miscellaneous Document Numbered Seventy-six, Fifty-second Congress, first session)	626.00
To Alexander Moffitt, of the District of Columbia, for use and occupation of property, twelve thousand four hundred and forty-two dollars and ninety-eight cents (House Report Numbered Twenty-eight hundred and forty-three, Forty-ninth Congress, first session).....	12,442.98
To Mary H. Noonan, of Jersey City, New Jersey, for rent and repair of house numbered forty-eight Baronne street, New Orleans, Louisiana, five thousand eight hundred and thirty dollars (House Report Numbered Twenty-two hundred and five, Fifty-second Congress, second session).....	5,830.00
To the Odd Fellows' Hall Association of New Orleans, Louisiana, for use and occupation of said Odd Fellows' Hall building for three years six months and seven days, from May third, eighteen hundred and sixty-two, to November tenth, eighteen hundred and sixty-five, forty-nine thousand two hundred and seventy-two dollars and sixteen cents (House Miscellaneous Document Numbered Forty-eight, Fifty-second Congress, second session).....	49,272.16
To the Overton Hotel Company, of Memphis, Tennessee, for use of hotel as military hospital from January first, eighteen hundred and sixty-three, to September first, eighteen hundred and sixty-five, fifty-three thousand three hundred and thirty-three dollars (Senate Document Numbered Six, Fifty-fifth Congress, second session).....	53,333.00
To Henry L. Pope, of Louisville, Kentucky, for the use of three vacant lots on which commissary of subsistence built storehouse for the use of the United States, from April, eighteen hundred and sixty-three, to May first, eighteen hundred and sixty-six, three hundred dollars (House Miscellaneous Document Numbered Ninety-four, Fifty-first Congress, second session).....	300.00
To Maria and Mary Reynolds, administratrixes of James Reynolds, deceased, late of the city of Cumberland, Maryland, rent and occupation of farm, one thousand two hundred and thirty-six dollars (House Miscellaneous Document Numbered Thirty-four, Fifty-third Congress, first session)	1,236.00
To C. F. F. Rosenthal, of the District of Columbia, for rent of land, five hundred dollars (House Miscellaneous Document Numbered Fifty-four, Fifty-second Congress, second session).....	500.00
To Sarah E. B. Smith, of Scotland County, Missouri, for rent of building and personal property, eight hundred and thirty-seven dollars and fifty cents (House Report Numbered Twenty-five hundred and eighty-two, Fiftieth Congress, first session)	837.50

To Susannah P. Swope, daughter of William Irvin, of Curwensville, Clearfield County, Pennsylvania, for destruction of house, three thousand and fifty dollars (Senate Report Numbered One thousand, Fifty-third Congress, third session)	\$3,050.00
To Hugh W. Throckmorton, of Fairfax County, Virginia, for occupation and use of house as a signal station, nine hundred and seventy-five dollars (House Miscellaneous Document Numbered Two hundred and eighty-eight, Fifty-second Congress, first session).....	975.00
To Benjamin R. White, of Montgomery County, Maryland, for use and occupation of land, one thousand seven hundred and twenty-five dollars (House Miscellaneous Document Numbered Thirty-three, Fifty-third Congress, first session).....	1,725.00
To Amos Woodruff, of Memphis, Tennessee, for rent of building, numbered four Exchange Block, one thousand two hundred dollars (House Miscellaneous Document Numbered Twenty-two, Fifty-second Congress, second session).....	1,200.00
To the following-named persons, all of Richmond, Virginia, for rent of buildings designated (Senate Miscellaneous Document Numbered Fifteen, Fifty-third Congress, first session):	
To Isaac Davenport, junior, surviving partner of Edmund and Davenport, for the use and occupation of two large warehouses on Seventeenth street, in the city of Richmond, and also of a large wharf in the lower end of said city, from April third, eighteen hundred and sixty-five, to April third, eighteen hundred and sixty-six, four thousand seven hundred and ninety-seven dollars and sixty-four cents	4,797.64
To George D. Harwood, for the use and occupation of building situated on the corner of Twenty-sixth and Main streets, in the said city, from April third, eighteen hundred and sixty-five, to May twenty-second, eighteen hundred and sixty-six, one thousand three hundred dollars.....	1,300.00
To Thomas W. McCause, surviving partner of Dunlap, Moncure and Company, for the use and occupation of wharf property at Rocketts, in said city, from April ninth, eighteen hundred and sixty-five, to October tenth, eighteen hundred and sixty-six, three thousand six hundred and seventy-five dollars	3,675.00
To D. T. Madigan, surviving partner of Fabian and Madigan, for use and occupation of wharf for storage purposes from April third, eighteen hundred and sixty-five, to September third, eighteen hundred and sixty-five, six hundred and twenty-five dollars	625.00
To Creed Thomas, for use and occupation of house, corner of Broad and Eighth streets, in said city, from April third, eighteen hundred and sixty-five, to September third, eighteen hundred and sixty-six, one thousand one hundred and twenty-seven dollars and fifty cents.....	1,127.50
To W. H. Palmer, executor of William Palmer, deceased, for use and occupation of warehouse, corner of Nineteenth and Cary streets, in said city, from April third, eighteen hundred and sixty-five, to July third, eighteen hundred and sixty-six, one thousand six hundred and twenty dollars.....	1,620.00
To John E. Robinson, for use and occupation of building from April third, eighteen hundred and sixty five, to October third, eighteen hundred and sixty-seven, one thousand six hundred and twenty dollars.....	1,620.00
To John Enders, executor of William Greanor, for use and occupation of factory on Twenty-second street, in said city, from April tenth, eighteen hundred and sixty-five, to August sixteenth, eighteen hundred and sixty —, four thousand two hundred dollars....	4,200.00
To Mary W. Bailey, executrix of Samuel M. Bailey, for use and occupation of factory, corner of Cary and Seventh streets, in said city, April third, eighteen hundred and sixty-five, to June eighteenth, eighteen hundred and sixty-five, three hundred and seventy-five dollars	375.00
To Garrett F. Watson, surviving partner of Ludlam and Watson, for use and occupation of wharf house and wharves in said city from April third, eighteen hundred and sixty-five, to April third, eighteen hundred and sixty-six, four thousand nine hundred and seventy-two dollars	4,972.00

To the estate of R. O. Haskins, for use and occupation of wharf property in said city from April third, eighteen hundred and sixty-five, to August third, eighteen hundred and sixty-five, five hundred and forty dollars.....	\$540.00
To Ann E. Grant, administratrix of James H. Grant, for use and occupation of warehouse on Tenth street, April sixteenth, eighteen hundred and sixty-five, to January sixteenth, eighteen hundred and sixty-six, one thousand eight hundred dollars.....	1,800.00
To Samuel P. Lathrop, agent for Eugene Carrington, administrator of George M. Carrington, deceased, for use and occupation of a certain lot of land, with improvements, in said city from April third, eighteen hundred and sixty-five, to February third, eighteen hundred and sixty-nine, one thousand one hundred and fifty dollars.....	1,150.00
To W. Ben. Palmer, executor of George S. Palmer, for rent of two warehouses in said city, April third, eighteen hundred and sixty-five, to June twenty-first, eighteen hundred and sixty-five, three hundred and fifty-one dollars.....	351.00
To John Bowers, surviving partner of Charles D. Yale and Company, for rent of house on Cary street, in said city, from April third, eighteen hundred and sixty-five, to September third, eighteen hundred and sixty-five, four hundred dollars.....	400.00
To John Enders, for use and occupation of two warehouses and a stable in said city from —, one thousand one hundred and forty dollars.....	1,140.00
To E. M. Garnett, assignee of Joel B. Watkins, for use and occupation of house on the corner of Tenth and Capitol streets, in said city, from April tenth, eighteen hundred and sixty-five, to August tenth, eighteen hundred and sixty-six, two thousand dollars.....	2,000.00
Total	186,990.78

MISCELLANEOUS COURT OF CLAIMS FINDINGS.*

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the persons named below the sums mentioned in connection with their names, in full compensation for the amounts found due them by the Court of Claims, as reported to Congress in the documents mentioned in connection with each case:

To Bowers and Richards, assignees of James M. Barney, for supplies furnished the Indian service, three thousand five hundred and thirty-four dollars and seventy-six cents (Senate Miscellaneous Document Numbered One hundred and sixty-five, Fifty-first Congress, first session) ..	\$3,534.76
To John T. Bruen, of New York, for recruiting and organizing troops and personal property, two thousand eight hundred and ten dollars (House Miscellaneous Document Numbered One hundred and sixty, Fifty-second Congress, first session).....	2,810.00
To Charles P. Choteau, as survivor of Choteau, Harrison and Valle, of Saint Louis, Missouri, assignees, through a court in bankruptcy proceedings, of Charles W. McCord, for extra cost of construction of iron-clad steam battery Etla, constructed under the contract made by the Navy Department, on behalf of the United States, with Charles W. McCord on the ninth day of July, eighteen hundred and sixty-four, one hundred and seventy-four thousand four hundred and forty-five dollars and seventy-five cents (Ninth Court of Claims Reports, page one hundred and fifty-five, and Twentieth Court of Claims Reports, page two hundred and fifty).....	174,445.75
To Nancy E. Day, administratrix of James L. Day, of Connecticut, for extra pay on mail contract, three thousand and forty one dollars and sixty-six cents (volume twenty-one, Court of Claims Reports, page two hundred and sixty-two).....	3,041.63
To James Harvey Dennis, of Louisville, Kentucky, for improvements made on the Tennessee River under contract with the Government, twenty-five thousand six hundred and thirty-eight dollars (findings in Committee on Claims, not printed as a document).....	25,638.00
To George H. Robinson, surviving executor of the estate of John Ericsson, for his services in planning and superintending the construction of the machinery of the said steamer, thirteen thousand nine hundred and thirty dollars (House of Representatives Report of Court of Claims, Numbered Sixty-two, Thirty-fourth Congress, third session)	13,930.00

* For history of Congressional proceedings on the largest of these claims see page 180 (Exhibit F).

To John A. Fairfax, of the District of Columbia, for boarding laborers while working on the Columbia turnpike, five hundred and two dollars (Senate Miscellaneous Document Numbered One hundred and fifty-seven, Fifty-third Congress, second session)	\$502.00
To Edward N. Fish and Company, for supplies furnished the Indian Service, one thousand eight hundred dollars (Senate Miscellaneous Document Numbered One hundred and sixty-five, Fifty-first Congress, first session)	1,800.00
To Edward N. Fish and Company, assignees of W. B. Hugus, for supplies furnished the Indian Service, two thousand four hundred dollars and twenty cents (Senate Miscellaneous Document Numbered One hundred and sixty-five, Fifty-first Congress, first session)	2,400.20
To the legal representatives of John C. Howe, deceased, for the use by the United States of sixty-six million nine hundred and seven thousand three hundred and thirteen cup-anvil cartridges, of the invention secured to John C. Howe, and his assigns, by letters patent of the United States, sixty-six thousand nine hundred and seven dollars (Twenty-third Court of Claims Reports, page four hundred and seventy-seven; see Senate Report Numbered Seventy-three, Fifty-fourth Congress, first session)	66,907.00
To the legal representatives of George McDougall, deceased, for supplies furnished Indians, eighty-one thousand two hundred and fifty dollars (Senate Report Numbered Three hundred and nineteen, Fifty-first Congress, first session)	81,250.00
To Mrs. Belle Osborne, executrix of John Osborne, deceased, late of Alexandria, Louisiana, for sugar and stores and supplies, fifty-four thousand eight hundred and seventy-five dollars (House Miscellaneous Document Numbered One hundred and seventeen, Fifty-first Congress, first session)	54,875.00
To David S. Parker and Forman Matthews, of Perth Amboy, New Jersey, for loss of schooner Twilight, twenty-five thousand eight hundred and thirty-three dollars and twenty cents (Senate Document Numbered One hundred and thirty-five, Fifty-fifth Congress, first session)	25,833.00
To William H. Quinn, of the District of Columbia, for services rendered by him in addition to his duties as drawkeeper at Anacostia Bridge, in exercising supervision over said bridge and also over Bennings Bridge; in making all estimates for repairs for both of said bridges and purchasing materials for same from eighteen hundred and sixty-nine to eighteen hundred and seventy-eight; and also for services as inspector for the Government of all mechanical work of the Anacostia Bridge and supervising the construction of same in eighteen hundred and seventy-four and eighteen hundred and seventy-five, nine hundred and forty dollars (See House of Representatives Report Numbered One hundred and seventy-six, Fifty-fourth Congress, first session)	940.00
To administrator de bonis non of Charles M. Roberts, deceased, for royalties on pavement laid under Schillinger patent, thirty-nine thousand and thirty-four dollars and twenty-one cents (House Miscellaneous Document Numbered One hundred and eight, Forty-ninth Congress, first session)	39,034.21
To John Schierling, administrator of the estate of Gallus Kirchner, of North Vernon, Indiana, for stone supplied to the United States at Indianapolis, ten thousand nine hundred and one dollars and fifty cents (volume twenty-one, Court of Claims Reports, page two hundred and eighteen)	10,901.50
To A. P. H. Stewart and Charles A. Weed, formerly doing business under the firm name and style of Stewart and Company, late of Mobile, Alabama, for money advanced by them on behalf of the United States at said Mobile, in the year eighteen hundred and sixty-five, to pay freights and expenses on Government cotton, twenty-one thousand five hundred and forty-one dollars and sixty-eight cents (Senate Document Numbered Forty-two, Fifty-fourth Congress, first session)	21,541.68
To Sutro and Company, assignees of William B. Hooper and Company, for supplies furnished the Indian service, three thousand four hundred and seventy-nine dollars and thirty-two cents (Senate Miscellaneous Document Numbered One hundred and sixty-five, Fifty-first Congress, first session)	3,479.32
To George T. Vance and Guy P. Vance, executors of the estate of William L. Vance, deceased, late of Memphis, Tennessee, for cotton, fifty-one thousand dollars (Senate Document Numbered Twenty-two, Fifty-fourth Congress, first session)	51,000.00
Total	583,864.08

SUMMARY OF ALLOWANCES UNDER THE BOWMAN AND KINDRED ACTS.

BOWMAN ACT CASES BY STATES.

Alabama.....	\$44,032.80
Arkansas.....	80,123.20
District of Columbia.....	21,355.00
Georgia.....	51,635.00
Illinois.....	546.87
Kansas.....	3,970.00
Kentucky.....	46,093.65
Louisiana.....	81,721.00
Maryland.....	74,447.05
Mississippi.....	249,666.08
Missouri.....	48,928.35
North Carolina.....	6,203.00
Ohio.....	640.00
Pennsylvania.....	43,233.50
South Carolina.....	2,862.00
Tennessee.....	184,910.86
Virginia.....	77,148.75
West Virginia.....	53,591.20
Total.....	1,070,708.31
Supplemental Bowman and rent.....	186,999.78
Miscellaneous Court of Claims findings.....	583,864.08
Total.....	1,841,563.17

TEXT OF THE BOWMAN ACT.

AN ACT to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or house may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the house by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the executive departments which may involve controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

SEC. 5. That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counter-claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is now required to defend the United States in said court.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Approved, March 3, 1883.

TEXT OF THE TUCKER ACT.

AN ACT to provide for the bringing of suits against the Government of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department or upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however,* That nothing in this section shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late civil war, and commonly known as "war claims," or to hear and determine other claims which have heretofore been rejected or reported on adversely by any court, Department, or commission authorized to hear and determine the same.

Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided,* That no suit against the Government of the United States shall be allowed under this act unless the same shall have been brought within six years after the right accrued for which the claim is made.

SEC. 2. That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed one thousand dollars, and the circuit courts of the United States shall have such concurrent jurisdiction in all cases where the amount of such claim exceeds one thousand dollars and does not exceed ten thousand dollars. All causes brought and tried under the provisions of this act shall be tried by the court without a jury.

SEC. 3. That whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor or surety or personal representative of any officer or agent or contractor so indebted, or that he or the person for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States or entered into any contract therewith under which it may be or has been claimed that an indebtedness to the United States has arisen and exists, and that he or the person he represents has applied to the proper Department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said Department and to the Attorney-General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney-General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal or surety or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court. Unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred.

SEC. 4. That the jurisdiction of the respective courts of the United States proceeding under this act, including the right of exception and appeal, shall be governed by the law now in force, in so far as the same is applicable and not inconsistent with the provisions of this act; and the course of procedure shall be in accordance with the established rules of said respective courts, and of such additions and modifications thereof as said courts may adopt.

SEC. 5. That the plaintiff in any suit brought under the provisions of the second section of this act shall file a petition, duly verified, with the clerk of the respective court having jurisdiction of the case, and in the district where the plaintiff resides. Such petition shall set forth the full name and residence of the plaintiff, the nature of his claim, and a succinct statement of the facts upon which the claim is based, the money or any other thing claimed, or the damages sought to be recovered, and praying the court for a judgment or decree upon the facts and law.

SEC. 6. That the plaintiff shall cause a copy of his petition, filed under the preceding section, to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of the same, by registered letter, to the Attorney-General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

SEC. 7. That it shall be the duty of the court to cause a written opinion to be filed in the cause, setting forth the specific findings by the court of the facts therein and the conclusions of the court upon all questions of law involved in the case, and to render judgment thereon. If the suit be in equity or admiralty, the court shall proceed with the same according to the rules of such courts.

SEC. 8. That in the trial of any suit brought under any of the provisions of this act, no person shall be excluded as a witness because he is a party to or interested in said suit; and any plaintiff or party in interest may be examined as a witness on the part of the Government.

Section ten hundred and seventy-nine of the Revised Statutes is hereby repealed. The provisions of section ten hundred and eighty of the Revised Statutes shall apply to cases under this act.

SEC. 9. That the plaintiff or the United States, in any suit brought under the provisions of this act shall have the same rights of appeal or writ of error as are now reserved in the statutes of the United States in that behalf made, and upon the conditions and limitations therein contained. The modes of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, and as near as may be, to the statutes and rules of court governing appeals and writs of error in like causes.

SEC. 10. That when the findings of fact and the law applicable thereto have been filed in any case as provided in section six of this act, and the judgment or decree is adverse to the Government, it shall be the duty of the district attorney to transmit to the Attorney-General of the United States certified copies of all the papers filed in the cause, with a transcript of the testimony taken, the written findings of the court, and his written opinion as to the same; whereupon the Attorney-General shall determine and direct whether an appeal or writ of error shall be taken or not; and, when so directed, the district attorney shall cause an appeal or writ of error to be perfected in accordance with the terms of the statutes and rules of practice governing the same: *Provided*, That no appeal or writ of error shall be allowed after six months from the judgment or decree in such suit. From the date of such final judgment or decree interest shall be computed thereon, at the rate of four per centum per annum, until the time when an appropriation is made for the payment of the judgment or decree.

SEC. 11. That the Attorney-General shall report to Congress, and at the beginning of each session of Congress, the suits under this act in which a final judgment or decree has been rendered, giving the date of each and a statement of the costs taxed in each case.

SEC. 12. That when any claim or matter may be pending in any of the Executive Departments which involves controverted questions of fact or law, the head of such Department, with the consent of the claimant, may transmit the same, with the

vouchers, papers, proofs, and documents pertaining thereto, to said Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the Department by which it was transmitted.

SEC. 13. That in every case which shall come before the Court of Claims, or is now pending therein, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March third, eighteen hundred and eighty-three, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws or under the provisions of this act, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings therein to either House of Congress or to the Department by which the same was referred to said court.

SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March third, eighteen hundred and eighty-three, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

SEC. 15. If the Government of the United States shall put in issue the right of the plaintiff to recover, the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses, and for summoning the same, and fees paid to the clerk of the court.

SEC. 16. That all laws and parts of laws inconsistent with this act are hereby repealed.

Approved March 3, 1887.

EXHIBIT B.

FRENCH SPOLIATION CLAIMS.

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one million forty-three thousand one hundred and seventeen dollars and four cents, to pay the findings of the Court of Claims on the following claims for indemnity for spoliation by the French prior to July thirty-first, eighteen hundred and one, under an Act entitled "An Act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the thirty-first day of July, eighteen hundred and one:" *Provided*, That in all cases where the original sufferers were adjudicated bankrupts the awards shall be made on behalf of the next of kin instead of to assignees in bankruptcy, and the awards in the cases of individual claimants shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representatives on whose behalf the award is made represent the next of kin, and the courts which granted the administrations, respectively, shall have certified that the legal representatives have given adequate security for the legal disbursements of the awards, namely:

On the brig *Albert*, Robert Gray, master, namely:

Robert M. Pratt, administrator de bonis non of Joseph White, deceased, six thousand two hundred and sixty-five dollars and seventy-five cents.....	6,265.75
William P. Parker, administrator de bonis non of William B. Parker, deceased, two thousand and eighty-eight dollars and fifty-eight cents	2,088.58
Elizabeth R. Gardner, administratrix de bonis non of Jesse Richardson, deceased, two thousand six hundred and seventy-seven dollars and sixteen cents.....	2,677.16
William D. Peckman, administrator de bonis non of Dudley L. Peckman, deceased, eight hundred and forty-nine dollars and sixty-two cents	849.62
Henry O. Stone, Benjamin W. Stone, and Robert Stone, executors of Robert Stone, junior, deceased, four thousand one hundred and seventy-seven dollars and sixteen cents.....	4,177.16
William A. Lander, administrator de bonis non of Pickering Dodge, deceased, three thousand one hundred and thirty-two dollars and eighty-seven cents	3,132.87
Arthur E. Huntington, administrator of William Orne, deceased, one thousand five hundred dollars	1,500.00
Mary F. Witherby, surviving executor of Charles Cleveland, deceased, seven hundred and eighty-three dollars and twenty-one cents	783.21
Nathaniel P. Richardson, executor of Joshua Richardson, deceased, two thousand and eighty-eight dollars and fifty-eight cents	2,088.58

On the brig *Sally*, William Hampton, master, namely: Alexander Proudfit, administrator of the estate of Robert Ralston, deceased, five thousand seven hundred and thirty-four dollars

5,734.00

On the ship *Two Sisters*, Jacob Henery, master, namely:

George W. Norris, administrator of John Garesche, deceased, two thousand and forty-three dollars and eighty cents.....	2,043.80
George W. Norris, administrator of Peter Baudy, deceased, four hundred and thirty-six dollars and seventy-seven cents.....	436.77
William R. Lejee, executor of Samuel Breck, deceased, one thousand nine hundred and nineteen dollars and twenty-seven cents.....	1,919.27
M. H. Messchert, administrator of Jacob Koch, deceased, nine hundred and eighty dollars	980.00
George W. Guthrie, administrator of Alexander Murray, deceased, seven hundred and eighty-four dollars.....	784.00
James C. Dawes, administrator of Abijah Dawes, deceased, two hundred and ninety-four dollars	294.00

On the ship Two Sisters, Jacob Henery, master, namely—Continued.

J. Bayard Henry, administrator of Andrew Bayard, deceased, seven hundred and eighty-four dollars.....	\$784.00
William A. M. Fuller, administrator of John Leamy, deceased, seven hundred and eighty-four dollars.....	784.00
Henry Pettit, administrator of Andrew Pettit, deceased, seven hundred and eighty-four dollars.....	784.00
Arthington Gilpin, administrator of Joshua Gilpin, deceased, two hundred and ninety-four dollars.....	294.00
James S. Cox, administrator of James S. Cox, deceased, two hundred and ninety-four dollars.....	294.00
John C. Williams, administrator of Edward Dunant, deceased, two hundred and ninety-four dollars.....	294.00
Henry Lisle Waln, executor of Jacob S. Waln, deceased, seven hundred and eighty-four dollars.....	784.00

On the brig William, Goe, master, namely:

D. Fitzhugh Savage, administrator of John Savage, deceased, two thousand four hundred and fourteen dollars.....	2,414.00
J. Bayard Henry, administrator of Andrew Bayard, and so forth, deceased, seven hundred and eighty-four dollars.....	784.00
George W. Guthrie, administrator of Alexander Murray, deceased, four hundred and ninety dollars.....	490.00
Henry Pettit, administrator of Andrew Pettit, deceased, four hundred and ninety dollars.....	490.00
Craig D. Ritchie, administrator of Joseph Summerl, deceased, four hundred and ninety dollars.....	490.00
William Brooke-Rawle, administrator of Jesse Waln, deceased, eight hundred and eighty-two dollars.....	882.00
The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, six hundred and eighty-six dollars.....	686.00
Samuel Bell, administrator of John G. Wacksmuth, deceased, six hundred and eighty-six dollars.....	686.00
James C. Dawes, administrator of Abijah Dawes, deceased, three hundred and ninety-two dollars.....	392.00
Francis R. Pemberton, administrator of John Clifford, deceased, four hundred and ninety dollars.....	490.00
James S. Cox, administrator of James S. Cox, deceased, four hundred and ninety dollars.....	490.00
Henry P. McKean, administrator of Henry Pratt, deceased, four hundred and ninety dollars.....	490.00
William R. Howell, administrator of Samuel Howell, deceased, four hundred and ninety dollars.....	490.00
William C. McMurtrie, administrator of William McMurtrie, deceased, four hundred and ninety dollars.....	490.00
Henry Pettit, administrator of Charles Pettit, deceased, three hundred and ninety-two dollars.....	392.00
Lorin Blodgett, administrator of Samuel Blodgett, deceased, four hundred and ninety dollars.....	490.00

On the vessel snow Fanny, Garrett Barry, master, namely: Dayton S. Ward, administrator de bonis non of James Barry, deceased, eight thousand five hundred and two dollars.....

8,502.00

On the schooner Ballahoo, Joseph Ripley, master, namely: James F. Breuil, administrator of Francis Breuil, deceased, one thousand five hundred and sixty-eight dollars and ninety-five cents.....

1,568.95

On the schooner Thankful, William Ward, master, namely:

Adeline F. Alden, administratrix of James Torrey, one thousand four hundred and twenty-eight dollars and forty cents.....	1,428.40
Adeline F. Alden, administratrix of George Torrey, one thousand four hundred and twenty-eight dollars and forty cents.....	1,428.40
Abel H. Bellows, administrator of Thomas Geyer, two hundred and twenty-six dollars and eighty cents.....	226.80
Stephen R. Rogers, administrator of Joseph Rogers, one thousand seven hundred and thirty-three dollars and thirty-three cents....	1,733.33
Albert C. Arnold, administrator of the estate of Frederick William Geyer, deceased, two hundred and twenty-six dollars and eighty cents, the award in the above case having been made to Francis M. Boutwell, as administrator of the estate of John Heard, assignee in bankruptcy of said Frederick William Geyer.....	226.80

On the schooner Thankful, William Ward, master, namely—Continued.	
Charles F. Adams, administrator of Peter C. Brooks, deceased, two thousand dollars.....	\$2,000.00
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, one thousand dollars.....	1,000.00
William Sohler, administrator of Nathaniel Fellowes, deceased, one thousand three hundred dollars.....	1,300.00
William Gray, administrator of William Gray, deceased, two thousand two hundred dollars.....	2,200.00
William S. Carter, administrator of William Smith, deceased, one thousand dollars.....	1,000.00
Robert Grant, administrator of William H. Boardman, deceased, four hundred dollars.....	400.00
David G. Haskins, administrator of David Greene, deceased, one thousand dollars.....	1,000.00
Lawrence Bond, administrator of Nathan Bond, deceased, four hundred dollars.....	400.00
Lucy S. Cushing, administratrix of Jacob Sheale, deceased, five hundred dollars.....	500.00
On the brig Lady Washington, Selleck, master, namely:	
Henry Pettit, administrator of Andrew Pettit, and so forth, deceased, seven hundred and nine dollars and eighty cents.....	709.80
William A. M. Fuller, administrator of John Leamy, deceased, four hundred and twenty-five dollars and eighty-eight cents.....	425.88
Robert W. Smith, administrator of Robert Smith, deceased, five hundred and sixty-seven dollars and eighty-four cents.....	567.84
George Willing, administrator of George Willing, deceased, two hundred and eighty-three dollars and ninety-two cents.....	283.92
Francis A. Lewis, administrator of John Miller, junior, deceased, five hundred and sixty-seven dollars and eighty-four cents.....	567.84
George Blight, administrator of Peter Blight, deceased, seven hundred and nine dollars and eighty cents.....	709.80
Craig D. Ritchie, administrator of Joseph Summerl, deceased, five hundred and sixty-seven dollars and eighty-four cents.....	567.84
William Brooke-Rawle, administrator of Jesse Waln, deceased, seven hundred and nine dollars and eighty cents.....	709.80
Richard C. McMurtrie, administrator of John Bohlen, and so forth, deceased, five hundred and sixty-seven dollars and eighty-four cents.....	567.84
The Pennsylvania Company for Insuraace on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, seven hundred and nine dollars and eighty cents.....	709.80
Thomas F. Bayard, administrator of Thomas W. Francis, deceased, two hundred and eighty-three dollars and ninety-two cents.....	283.92
Henry Pratt McKean, executor of Henry Pratt, deceased, four hundred and twenty-five dollars and eighty-eight cents.....	425.88
Francis R. Pemberton, administrator of John Clifford, deceased, three hundred and fifty-four dollars and ninety cents.....	354.90
Samuel Bell, administrator of John G. Wacksmuth, deceased, three hundred and fifty-four dollars and ninety cents.....	354.90
William Read Fisher, administrator of Samuel W. Fisher, deceased, three hundred and fifty-four dollars and ninety cents.....	354.90
Isaac S. Smyth, administrator of Jacob Baker, deceased, five hundred and sixty-seven dollars and eighty-four cents.....	567.84
George W. Guthrie, administrator of Alexander Murray, deceased, seven hundred and nine dollars and eighty cents.....	709.80
Uselma C. Smith, administrator of William Jones, deceased, five hundred and sixty-seven dollars and eighty-four cents.....	567.84
A. Louis Eakin, administrator of Chandler Price, deceased, seven hundred and nine dollars and eighty cents.....	709.80
Frederick W. Meeker, administrator of Samuel Meeker, deceased, seven hundred and nine dollars and eighty cents.....	709.80
James C. Fisher, executor of James C. Fisher, deceased, three hundred and fifty-four dollars and ninety cents.....	354.90
D; Fitzhugh Savage, administrator of John Savage, and so forth, deceased, seven hundred and nine dollars and eighty cents.....	709.80
On the brig American, Thomas Towne, master, namely: David Ware, administrator de bonis non of John Hall, deceased, four thousand six hundred and ninety-one dollars.....	4,691.00

On the ship Jane, John Wallace, master, namely:	
Esther S. Buchanan, administratrix, representing Smith and Buchanan, eleven thousand six hundred and sixty dollars and twenty-one cents.....	\$11,660.21
Robert Carter Smith, administrator, representing Samuel Smith, six thousand seven hundred and thirty-eight dollars and twenty-one cents.....	6,738.21
Cumberland D. Hollins, administrator, representing John Hollins, four thousand nine hundred and twenty-two dollars.....	4,922.00
On the ship Bacchus, George, master, namely:	
The Real Estate Insurance and Trust Company of Philadelphia, administrator of James Campbell, deceased, five thousand two hundred and ninety dollars.....	5,290.00
Henry Pettit, administrator of Andrew Pettit, and so forth, deceased, nine hundred and eighty dollars.....	980.00
George W. Guthrie, administrator of Alexander Murray, deceased, nine hundred and eighty dollars.....	980.00
M. H. Messchert, administrator of Jacob G. Koch, deceased, nine hundred and eighty dollars.....	980.00
Samuel Bell, administrator of John G. Wacksmuth, deceased, nine hundred and eighty dollars.....	980.00
James C. Dawes, administrator of Abijah Dawes, deceased, one hundred and ninety-six dollars.....	196.00
Henry Lisle Waln, executor of Jacob S. Waln, and so forth, nine hundred and eighty dollars.....	980.00
On the vessel the snow Boston, Dougherty, master, namely:	
J. Bayard Henry, administrator of George Latimer, deceased, three thousand and twenty-five dollars and thirty-six cents.....	3,025.36
The Real Estate Title Insurance and Trust Company of Philadelphia, administrator de bonis non cum testamento annexo of James Campbell, deceased, three thousand and twenty-five dollars and thirty-six cents.....	3,025.36
J. Bayard Henry, administrator of Andrew Bayard, and so forth, deceased, eight hundred and eighty-two dollars.....	882.00
The city of Philadelphia, administrator of Stephen Girard, deceased, four hundred and ninety dollars.....	490.00
Henry Pratt McKean, executor of Henry Pratt, deceased, seven hundred and eighty-four dollars.....	784.00
D. Fitzhugh Savage, administrator of John Savage, deceased, seven hundred and eighty-four dollars.....	784.00
James Crawford Dawes, administrator of Abijah Dawes, deceased, four hundred and ninety dollars.....	490.00
Francis A. Lewis, administrator of John Lewis, junior, deceased, four hundred and ninety dollars.....	490.00
William A. M. Fuller, administrator of John Leamy, deceased, four hundred and ninety dollars.....	490.00
John C. Williams, administrator of Edward Dunant, deceased, three hundred and forty-three dollars.....	343.00
Arthington Gilpin, administrator of Joshua Gilpin deceased, three hundred and forty-three dollars.....	343.00
Samuel Bell, administrator of John G. Wacksmuth, deceased, one thousand one hundred and seventy-six dollars.....	1,176.00
Henry Pettit, administrator of Andrew Pettit, and so forth, deceased, seven hundred and eighty-four dollars.....	784.00
George W. Guthrie, administrator of Alexander Murray, deceased, six hundred and eighty-six dollars.....	686.00
D. Fitzhugh Savage, administrator of John Savage, deceased, eight hundred and eighty-two dollars.....	882.00
James S. Cox, administrator of James S. Cox, deceased, four hundred and ninety dollars.....	490.00
M. H. Messchert, administrator of Jacob G. Koch, deceased, four hundred and ninety dollars.....	490.00
Richard C. Murtrie, administrator of John Bohlen, deceased, four hundred and ninety dollars.....	490.00
F. R. Pemberton, administrator of John Clifford, deceased, two hundred and ninety-four dollars.....	294.00
Henry Lisle Waln, executor of Jacob S. Waln, deceased, five hundred and eighty-eight dollars.....	588.00
The Pennsylvania Company for Insurance on Lives, and so forth, administrator of Thomas M. Willing, deceased, three hundred and ninety-two dollars.....	392.00

On the vessel the snow Boston, Dougherty, master, namely—Continued.	
Thomas F. Bayard, administrator of Thomas W. Francis, deceased, three hundred and ninety-two dollars	\$392.00
On the ship Patapsco, William Hill, master, namely:	
William Donnell, administrator de bonis non cum testamento annexo of the estate of John Donnell, deceased, six thousand six hundred and fifty-nine dollars and ninety-nine cents	6,659.99
George W. Brown, administrator of the estate of James A. Buchanan, deceased, four thousand six hundred and nine dollars and ninety-nine cents, being his share of vessel and freight.....	4,609.99
Robert Carter Smith, administrator de bonis non cum testamento annexo of the estate of Samuel Smith, deceased, four thousand six hundred and nine dollars and ninety-nine cents, being his share of vessel and freight.....	4,609.99
Esther S. Buchanan, administratrix of the estate of William B. Buchanan, who was the surviving partner of the firm of S. Smith and Buchanan, deceased, twenty-five thousand and fifty-six dollars, the value of the cargo shipped by said firm.....	25,056.00
Cumberland D. Hollins, administrator de bonis non cum testamento annexo of the estate of John Hollins, deceased, seven thousand six hundred dollars.....	7,600.00
Virgilia B. Brooke, administratrix de bonis non cum testamento annexo of the estate of John Smith, junior, deceased, forty-eight thousand four hundred and sixty-six dollars.....	48,466.00
On the brig Hope, Church, master, namely:	
John C. Parsons, as administrator of the estate of John Caldwell, deceased, twelve thousand four hundred and twelve dollars and seventeen cents.....	12,412.17
William Sohler, administrator of Nathaniel Fellowes, deceased, one thousand dollars.....	1,000.00
Frank Dabney, administrator of Samuel W. Pomeroy, deceased, one thousand dollars.....	1,000.00
John W. Apthorp, administrator of Caleb Hopkins, deceased, one thousand dollars.....	1,000.00
Lawrence Bond, administrator of Nathan Bond, deceased, five hundred dollars.....	500.00
Daniel D. Slade, administrator of Daniel D. Rogers, deceased, five hundred dollars.....	500.00
On the brig Juno, Walker, master, namely: Ann Fisher Satterthwaite, administratrix of James Sheafe, deceased, twelve thousand two hundred and forty dollars.....	12,240.00
On the brig Confidence, Thomas Manning, master, namely: Catherine M. Singleton, administratrix de bonis non of Alexander McKim, surviving partner of the firm of Robert McKim and Company, one thousand four hundred and ninety-seven dollars and thirty-nine cents....	1,497.39
On the brig Eleanor, James Treat, master, namely:	
George H. Williams, administrator de bonis non of Samuel Williams, deceased, one thousand five hundred and eighty-three dollars and fifty-nine cents	1,583.59
Charles J. Bonaparte, administrator de bonis non of Benjamin Williams, deceased, one thousand five hundred and eighty-three dollars and fifty-nine cents.....	1,583.59
David Stewart, administrator of Francis Johonnet, surviving partner of Francis Johonnet and Company, five thousand seven hundred and twenty-three dollars and eighteen cents.....	5,723.18
On the schooner Eliza, Thomas Poulson, master, namely:	
John Merven Carrere and David Stewart, administrators of John Carrere, deceased, eleven thousand seven hundred and forty-four dollars and ninety-six cents.....	11,744.96
David Stewart, administrator of John G. Delisle, deceased, three thousand seven hundred and eighty-one dollars.....	3,781.00
On the vessel Fusileer, Thomas Shaw, master, namely:	
George B. Chase, administrator of Stephen Chase, deceased, two thousand nine hundred and fifty-five dollars	2,955.00
Albion E. Taylor, administrator de bonis non of Joseph Chase, deceased, two thousand nine hundred and fifty-five dollars.....	2,955.00
Calvin Page, administrator of Thomas Shaw, deceased, one thousand one hundred and sixty-eight dollars and fifty-five cents.....	1,168.55
On the brig Thomas, Mark Fernald, master, namely: James W. Emery, administrator de bonis non of the estate of Thomas Manning, deceased, six thousand one hundred and thirty-two dollars.....	6,132.00

On the schooner Lucy, Lewis Holmes, master, namely:	
Isaac Brewster, administrator de bonis non cum testamento annexo of the estate of Daniel Jackson, deceased, three thousand five hundred and sixty-seven dollars.....	\$3,567.00
Charles G. Davis, administrator de bonis non of William Davis, deceased, nine hundred and ninety-two dollars	992.00
On the brig Leonard, William Hackett, master, namely: Joseph A. Titcomb, administrator of the estate of John Wills, otherwise called John Wells, deceased, eight thousand one hundred and fifty dollars..	
	8,150.00
On the brig Vulture, John Berry, master, namely:	
Elizabeth R. Gardner, administratrix of Jesse Richardson, three thousand six hundred and eighteen dollars and eighty-five cents.	3,618.85
Nathaniel P. Richardson, executor of Joshua Richardson, three thousand six hundred and eighteen dollars and eighty-five cents.....	3,618.85
Willam Gray, administrator of William Gray, deceased, one thousand five hundred dollars.....	1,500.00
Charles F. Adams, administrator of Peter C. Brooks, deceased, one thousand five hundred dollars.....	1,500.00
William Sohler, administrator of Nathaniel Fellowes, deceased, one thousand dollars.....	1,000.00
H. H. Hunnewell, executor of John Welles, deceased, five hundred dollars.....	500.00
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, one thousand dollars.....	1,000.00
On the sloop Fox, Brooks, master, namely:	
Sanford J. Horton, as administrator of the estate of William Wickham, deceased, one thousand five hundred and eight dollars and thirty-three cents.....	1,508.33
Melvin B. Copeland, as administrator of the estate of Nathaniel Blake, deceased, four hundred and fifty-four dollars and sixteen cents	454.16
George G. Sill, as administrator of the estate of William Moore, deceased, three thousand two hundred and eighty-three dollars and thirty-three cents.....	3,283.33
Charles F. Adams, administrator of Peter C. Brooks, deceased, four hundred dollars.....	400.00
H. Burr Crandall, administrator of Thomas Dickinson, deceased, four hundred dollars	400.00
David G. Haskins, administrator of David Greene, deceased, five hundred dollars.....	500.00
Frank Dabney, administrator of Samuel W. Pomeroy, deceased, five hundred dollars.....	500.00
Robert Grant, administrator of William H. Boardman, deceased, three hundred dollars	300.00
William I. Monroe, administrator of John Brazer, deceased, one thousand dollars	1,000.00
John Wetherbee, administrator of James Tisdale, deceased, one thousand dollars	1,000.00
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, five hundred dollars.....	500.00
On the schooner Nancy, Nathaniel Lincoln, master, namely: Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, eight hundred and eight dollars	
	808.00
On the brig William, Benjamin H. Rathbone, master, namely: Bayard Tuckerman, administrator of Walter Channing, surviving partner of Gibbs and Channing, and likewise administrator of George Gibbs, twenty thousand seven hundred and fifty-four dollars.....	
	20,754.00
On the schooner Alert, Jacob Olliver, master, namely:	
Franklin Leach, administrator of William Leach, three thousand five hundred and seventy-seven dollars and eighty-eight cents....	3,577.88
Edward I. Brown, administrator of Israel Thorndike, one thousand and three dollars and seventy-three cents.....	1,003.73
Arthur L. Huntington, administrator of James Dunlap, deceased, six hundred dollars	600.00
John H. Moriarty, administrator of James Scott, deceased, four hundred dollars.....	400.00
Thomas H. Perkins, administrator of John C. Jones, deceased, three hundred dollars.....	300.00
Horace B. Sargent, junior, administrator of Daniel Sargent, deceased, five hundred dollars.....	500.00

On the schooner Alert, Jacob Olliver, master, namely—Continued.

John C. Ropes, administrator of Thomas Amory, deceased, one thousand dollars.....	\$1,000.00
H. H. Hunnewell, administrator of Arnold Wells, junior, deceased, four hundred dollars.....	400.00
William G. Perry, administrator of Nicholas Gilman, deceased, three hundred dollars.....	300.00
Lucy S. Cushing, administratrix of Jacob Sheafe, deceased, four hundred dollars.....	400.00
H. Burr Crandall, administrator of Thomas Cushing, deceased, four hundred dollars.....	400.00
Archibald M. Howe, administrator of Francis Green, deceased, eight hundred dollars.....	800.00
Frank Dabney, administrator of Samuel W. Pomeroy, deceased, six hundred dollars.....	600.00
On the ship Theresa, Phillip Brum, master, namely:	
George S. Sonntag, administrator of William L. Sonntag, deceased, surviving partner of William L. Sonntag and Company, as representative of said firm, thirteen thousand five hundred and thirty-seven dollars and fifty cents.....	13,537.50
George S. Sonntag, administrator, as representative of William L. Sonntag, one of the joint owners of the Theresa, three thousand two hundred and sixty-four dollars and fifty cents.....	3,264.50
Jane J. De La Roche, administratrix of Frederick Franck De La Roche, as representative of one of the joint owners of the Theresa, three thousand two hundred and sixty-four dollars and fifty cents.....	3,264.50
On the schooner Hannah, Phillip Bessom, master, namely:	
Sarah J. Brown, administratrix of Isaac Collyer, deceased, for value of one hundred and sixty-four quintals of fish, one thousand three hundred and twelve dollars.....	1,312.00
Ebenezer D. Secomb, administrator of Phillip Bessom, value of cargo, less the hundred and sixty-four quintals of fish owned by said Collyer, and less also the insurance paid thereon by William Gray, twenty-three thousand one hundred and eighty dollars.....	23,180.00
William Gray, administrator of William Gray, deceased, two thousand nine hundred and twenty dollars.....	2,920.00
On the brig Lydia, John Cook, master, namely: Charles B. Allen, administrator de bonis non of Zachariah Allen, for vessel, cargo, and the freight earned, twelve thousand two hundred and ninety-one dollars.....	12,291.00
On the ship Reindeer, Robert Motley, master, namely: Henry Deering and Francis Fessenden, administrators of James Deering, twenty thousand six hundred and twenty-five dollars.....	20,625.00
On the ship Betsy, Josiah Obear, master, namely:	
Horace Obear, administrator of Josiah Obear, one thousand seven hundred and five dollars and sixty-eight cents.....	1,705.68
Franklin Leach, administrator of Nathan Leach, one hundred and twenty-six dollars.....	126.00
William G. Perry, administrator of Nicholas Gilman, deceased, one hundred and ninety-eight dollars.....	198.00
H. H. Hunnewell, administrator of Arnold Wells, junior, deceased, three hundred and ninety-six dollars.....	396.00
On the ship Argo, Benjamin Randall, master, namely: Henry J. Gardiner, administrator of the estate of Matthew Cobb, deceased, twelve thousand dollars.....	12,000.00
On the ship Eliza, Peter Burton, master, namely: Alexandria Proudfit, administrator of the estate of John Proudfit, deceased, six thousand nine hundred and fifty-one dollars.....	6,951.00
On the sloop Nancy, David Foster, master, namely:	
George G. Sill, administrator de bonis non of William Coggeshall, deceased, eight hundred and fifty-one dollars and fifty cents.....	851.50
Charles F. Adams, administrator of Peter C. Brooks, deceased, one thousand dollars.....	1,000.00
William Sohier, administrator of Nathaniel Fellows, deceased, one thousand dollars.....	1,000.00
Henry W. Blagge and others, administrators of Crowell Hatch, deceased, five hundred dollars.....	500.00
On the brig Venus, John Harmon, master, namely: John S. Cole, administrator of the estate of John Storer, deceased, ten thousand five hundred and sixty-eight dollars.....	10,568.00

On the schooner Needham, William Grant, master, namely: John C. McDonald, administrator of the estate of William McDonald, deceased, four thousand nine hundred and fourteen dollars.....	\$4,914.00
On the snow Lydia, Eleazur Washburn, master, namely: Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, thirteen thousand two hundred and four dollars and ninety-six cents.....	13,204.96
William R. Richards, administrator of the estate of William and Thomas Walter, both deceased, two thousand seven hundred and twenty-seven dollars and forty-eight cents	2,727.48
On the schooner Ranger, Josiah Bacon, master, namely: Abiel S. Lewis, administrator of the estate of Thomas Lewis, junior, surviving partner of Thomas Lewis and Son, eight thousand four hundred and eighty dollars.....	8,480.00
On the vessel Georgia Packet, John McKeever, master, namely: The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, six thousand two hundred and forty-six dollars.....	6,246.00
Richard F. Flickwir, administrator of Richard Flower, deceased, one thousand and fifty-five dollars.....	1,055.00
Richard F. Flickwir, administrator of John Flower, deceased, one thousand and fifty-five dollars.....	1,055.00
Richard F. Flickwir, administrator of Reese Wall, deceased, one thousand and fifty-five dollars.....	1,055.00
Edward S. McKeever, administrator of John McKeever, deceased, one thousand and fifty-five dollars.....	1,055.00
On the snow Charlotte, Cornelius Low, master, namely: George Hawkins Williams, administrator of Joseph Williams, surviving partner of Williams and Low, three thousand four hundred and sixty-four dollars	3,464.00
On the brig Yorick, William Moodie, master, namely: George S. Sonntag, administrator of William L. Sonntag, seven thousand eight hundred and eighty-six dollars and fifty cents	7,886.50
Jane J. De La Roche, administratrix of Frederick Franck De La Roche, seven thousand eight hundred and eighty-six dollars and fifty cents	7,886.50
On the schooner Betsey, John Murphy, master, namely: W. Hall Harris, administrator de bonis non, and so forth, estate of William Patterson, deceased, twenty thousand three hundred and thirty-four dollars and sixteen cents.....	20,334.16
On the sloop Martha, Joshua McWilliams, master, namely: John C. Williams, administrator of Edward Dunant, deceased, one thousand two hundred and sixty dollars.....	1,260.00
On the brig Calliope, John Leonard, master, namely: Reginald Fendall, administrator of the estate of John Leonard, twenty-six thousand nine hundred and sixty dollars.....	26,960.00
On the schooner Betsey and Nancy, Samuel Eels, master, namely: Samuel R. Eels, administrator of the estate of Samuel Eels, deceased, two thousand five hundred and four dollars and twenty-five cents....	2,504.25
On the brig Catherine, Samuel Cazneau, master, namely: Henry R. Perkins, administrator of the estates of Anthony Davenport and Moses Davenport, joint owners of the Catherine, eight thousand nine hundred and thirty-five dollars	8,935.00
On the schooner Hannah, Joseph Bright, master, namely: Abram H. Smyth, administrator of the estate of Abram Hewes, deceased, two thousand four hundred and ninety-six dollars	2,496.00
Lawrence Stabler, administrator of the estate of William Hartshorn, deceased, remaining partner of the late firm of William Hartshorn and Sons, two thousand four hundred and ninety-six dollars....	2,496.00
On the brig Eliza Wright, P. Ethridge, master, namely: Henry A. T. Granbery, administrator of John Granbery, deceased, one hundred and nine dollars and one cent	109.01
R. Manson Smith, administrator of Francis Smith, deceased, one hundred and eighteen dollars and ninety-two cents.....	118.92
John Neely, administrator of John Cowper, deceased, one hundred and forty-eight dollars and sixty-five cents.....	148.65
Gilbert R. Fox, junior, administrator of Thomas Willock, deceased, one hundred and thirty-eight dollars and seventy-four cents.....	138.74
John Newport Greene, administrator of Conway Whittle, deceased, one hundred and eighteen dollars and ninety-two cents	118.92

On the schooner Phoenix, James Coward, master, namely:	
George F. R. Waesche, administrator de bonis non of the estate of George Repold, four thousand four hundred and twenty-seven dollars and forty-four cents.....	\$4,427.44
Henry Frederick Wegner, administrator de bonis non of the estate of Albert Seekamp, four thousand four hundred and twenty-seven dollars and forty-four cents	4,427.44
Charles F. Taylor, administrator de bonis non of the estate of Henry Schroeder, four thousand four hundred and twenty-seven dollars and forty-four cents. The last above three items to be subject to a deduction of the amount of insurance received, which amount shall be investigated and determined by the proper accounting officers of the Treasury Department.....	4,427.44
On the schooner Phoenix, Joshua Waite, master, namely:	
Henry R. Virgin, administrator of the estates of Samuel Snow, Stephen Purrington, and John Snow, junior, two thousand one hundred and twenty-six dollars.....	2,126.00
Henry Deering and Francis Fessenden, administrators of the estate of James Deering, one thousand three hundred and seventy-three dollars.....	1,373.00
Henry J. Gardner, administrator of the estate of Matthew Cobb, two thousand one hundred and seventy-three dollars.....	2,173.00
Robert Codman, administrator of William Gray, deceased, three thousand dollars	3,000.00
On the schooner Polly, Joseph Atkins, master, namely: Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, one thousand two hundred and thirty-three dollars.....	
	1,233.00
On the brig Caroline, William Morton, master, namely:	
Wallace T. Jones, administrator of the estate of Edward Jones, two thousand seven hundred and fifty-two dollars and seventy cents..	2,752.70
Charles F. Adams, administrator of Peter C. Brooks, deceased, five thousand four hundred and two dollars and fifty cents.....	5,402.50
Henry Parkman, administrator of John Duballet, deceased, one thousand and eighty dollars and fifty cents.....	1,080.50
Henry W. Blagge and others, administrators of Crowell Hatch, deceased, one thousand and eighty dollars and fifty cents	1,080.50
On the ship Eliza, William Marrenner, master, namely: Wallace T. Jones, administrator of the estate of Edward Jones, forty-eight thousand one hundred and eighty-six dollars.....	
	48,186.00
On the brig Friendship, George Hodges, master, namely:	
Charles S. Nichols, administrator of the estate of Ichabod Nichols, thirteen thousand six hundred and ninety-two dollars and twenty-seven cents	13,692.27
William H. Silsbee, administrator of the estate of Benjamin Hodges, fourteen thousand two hundred and twenty-five dollars and four cents	14,225.04
Thomas Kitridge, administrator of the estate of George Hodges, one hundred and seventy-one dollars and twenty-four cents.....	171.24
Robert Codman, administrator of William Gray, junior, deceased, five thousand two hundred dollars.....	5,200.00
Charles F. Adams, administrator of Peter C. Brooks, deceased, two thousand dollars	2,000.00
William Sohier, administrator of Nathaniel Fellowes, deceased, seven hundred dollars.....	700.00
H. Burr Crandall, administrator of Thomas Dickason, junior, deceased, five hundred dollars.....	500.00
Henry W. Blagge and others, administrator of Crowell Hatch, deceased, eight hundred dollars.....	800.00
Daniel D. Slade, administrator of Daniel D. Rogers, deceased, five hundred dollars.....	500.00
Robert Grant, administrator of Jonathan Mason, junior, deceased, five hundred dollars.....	500.00
John M. Clinch, administrator of Perez Morton, deceased, five hundred dollars.....	500.00
H. H. Hunnewell, administrator of Arnold Wells, junior, deceased, three hundred dollars.....	300.00
Francis M. Boutwell, administrator of Samuel Cobb, deceased, two hundred dollars.....	200.00

On the schooner Jane, Thomas Atwood, master, namely:

Henry G. Dorr, administrator of the estate of Andrew C. Dorr, two thousand five hundred and seventy-three dollars and eighty-seven cents	\$2,573.87
Frances A. Wheelock, administratrix of the estate of William Door, two thousand five hundred and seventy-three dollars and eighty-seven cents	2,573.87
Charles F. Adams, administrator of Peter C. Brooks, deceased, two thousand seven hundred dollars	2,700.00
William Sohler, administrator of Nathaniel Fellowes, deceased, five hundred dollars	500.00
John Wetherbee, administrator of James Tisdale, deceased, five hundred dollars	500.00
William Vernon, administrator of Samuel Brown, deceased, six hundred dollars	600.00
Henry W. Blagge and others, administrators of Crowell Hatch, deceased, seven hundred dollars	700.00

On the brig Betsey, William Witmarsh, master, namely:

Mary Souther, administratrix of the estate of Benjamin Wheeler, deceased, six thousand and forty-eight dollars and six cents	6,048.06
Charles F. Adams, administrator of Peter C. Brooks, deceased, three thousand dollars	3,000.00
Thomas H. Perkins, administrator of John C. Jones, deceased, one thousand dollars	1,000.00
William G. Perry, administrator of Nicholas Gilman, deceased, one thousand dollars	1,000.00
Robert Grant, administrator of William H. Boardman, deceased, one thousand dollars	1,000.00
John H. Moriarty, administrator of James Scott, deceased, five hundred dollars	500.00
Lucy S. Cushing, administratrix of Jacob Sheafe, deceased, five hundred dollars	500.00
Charles F. Hunt, administrator of Joseph Russell, deceased, one thousand dollars	1,000.00

On the sloop Mary, Gilbert Totten, master, namely:

John C. Hollister, administrator of the estate of Frederick Hunt, deceased, two thousand three hundred and sixty-two dollars and thirty-four cents	2,362.34
John C. Hollister, administrator of the estate of Thomas Rice, deceased, two thousand three hundred and sixty-two dollars and thirty-three cents	2,362.33
John C. Hollister, administrator of the estate of Elias Shipman, deceased, two thousand three hundred and sixty-two dollars and thirty-three cents	2,362.33

On the brig Rosetta, Isaac Isaacs, master, namely:

John C. Tilgman, administrator of the estate of William Van Wyck, six thousand and twenty-four dollars and ninety-six cents	6,024.96
Rebecca R. Thompson and Elizabeth Y. Thompson, administratrixes of the estate of Joseph Young, five thousand five hundred and ninety-seven dollars and forty six cents	5,597.46
William Donnell, administrator of John Donnell, deceased, one thousand nine hundred and sixty dollars	1,960.00
Edward C. Noyes and others, administrators of James Clark, deceased, nine hundred and eighty dollars	980.00
C. D. Hollins, administrator of Cumberland Dugan, deceased, one thousand five hundred dollars	1,500.00
David Stewart, administrator of William McCreery, deceased, nine hundred and eighty dollars	980.00
Mary A. B. Smith, administratrix of John Smith, deceased, nine hundred and eighty dollars	980.00
Charles J. Bonaparte, administrator of Benjamin Williams, deceased, nine hundred and eighty dollars	980.00
David Stewart, administrator of Paul Bentalou, deceased, nine hundred and eighty dollars	980.00
John W. Jenkins, administrator of John Hillen, deceased, nine hundred and eighty dollars	980.00
David Stewart, administrator of Henry Payson, deceased, four hundred and ninety dollars	490.00
Robert Shriver, administrator of Isaac Causten, deceased, four hundred and ninety dollars	490.00

On the schooner Henry and Gustavus, John Smith, master, namely:	
George G. Sill, administrator of the estate of Thomas Sanford, one thousand seven hundred and eighty-six dollars and sixty-three cents	\$1,786.63
Herman Whittlesey, administrator of the estate of Aaron Gaylord, one thousand seven hundred and eighty-six dollars and sixty-three cents	1,786.63
Mary H. Williams, administratrix of Ezekiel Williams, deceased, one hundred and ninety-three dollars and sixty-seven cents.....	193.67
John C. Parsons, administrator of John Caldwell, deceased, four hundred and eighty-seven dollars and fifty cents	487.50
On the schooner Friendship, Jonathan Gilbert, master, namely:	
James Manning, administrator of John Manning, two thousand and sixty dollars	2,060.00
Robert Codman, administrator of William Gray, junior, deceased, two thousand dollars.....	2,000.00
On the brig Hiram, J. Humphreys, master, namely:	
Simon Tomlinson, administrator of Samuel Hull, four hundred dollars.....	400.00
John F. Plumb, administrator of John Humphreys, four hundred dollars.....	400.00
John F. Plumb, administrator of James Humphreys, four hundred dollars.....	400.00
Charles F. Adams, administrator of Peter C. Brooks, deceased, four hundred and fourteen dollars.....	414.00
William Sohler, administrator of Nathaniel Fellowes, deceased, four hundred and fourteen dollars.....	414.00
Henry W. Blagge and others, administrators of Crowell Hatch, deceased, three hundred and seventy-two dollars.....	372.00
Richard Delafield, administrator of John Delafield, deceased, nine hundred and eighty dollars.....	980.00
Louisa J. Sebor, administratrix of Jacob Sebor, deceased, four hundred and ninety dollars	490.00
Carlisle Terry, administrator of Carlisle Pollock, deceased, four hundred and ninety dollars.....	490.00
William H. S. Elting, administrator of Peter Elting, deceased, four hundred and ninety dollars.....	490.00
Union Trust Company of New York, administrator of William Ogden, deceased, four hundred and ninety dollars.....	490.00
On the schooner Neutrality, Elnathan Atwater, master, namely:	
Elihu L. Mix, administrator of Thomas Atwater, one thousand six hundred and thirty dollars and twelve cents.....	1,630.12
George P. Marvin, administrator de bonis non of Ebenezer Peck, one thousand six hundred and thirty dollars and twelve cents.....	1,630.12
John C. Hollister, administrator de bonis non of Elnathan Atwater, one thousand six hundred and thirty dollars and twelve cents....	1,630.12
John C. Hollister, administrator de bonis non of Elias Shipman, eight hundred and fifteen dollars and six cents.....	815.06
John C. Hollister, administrator of Austin Denison, eight hundred and fifteen dollars and six cents	815.06
On the schooner Shepherdess, Warren Chapman, master, namely:	
George G. Sill, administrator of the estate of Timothy Chapman, one thousand eight hundred and forty-one dollars and six cents..	1,841.06
Warren C. Pike, administrator of the estate of Warren Chapman, one thousand eight hundred and forty-one dollars and six cents..	1,841.06
Mary H. Williams, administratrix of Ezekiel Williams, deceased, ninety six dollars and fifty-three cents.....	96.53
John C. Parsons, administrator of John Caldwell, deceased, one hundred and ninety-three dollars and six cents	193.06
On the ship Two Sisters, John T. Hilton, master, namely: Andrew Lacy, administrator of the estate of William Neal, deceased, eight thousand four hundred and forty-eight dollars.....	
	8,418.00
On the sloop Union, Seth Lincoln, master, namely:	
Shearjashub Bourne, administrator of the estate of Shearjashub Bourne, three thousand two hundred and fifty dollars and thirty-eight cents.....	3,250.38
Stephen F. Peckham, administrator of the estate of Samuel Wardwell, three thousand two hundred and fifty dollars and thirty-eight cents	3,250.38

On the sloop Confidence, Francis Bradbury, master, namely:	
George W. Bradbury, administrator of the estate of Charles Bradbury, in right of Francis Bradbury, his assignor, one thousand three hundred and sixty-six dollars	\$1,366.00
George W. Bradbury, administrator of the estate of Theopholis Bradbury, one thousand three hundred and sixty-six dollars	1,366.00
On the schooner Hannah, Josiah Bouton, master, namely:	
George B. Saint John, administrator of the estate of Eliphalet Lockwood, Buckingham Lockwood, and William Lockwood, four thousand two hundred and two dollars and nine cents	4,202.09
George B. Saint John and Jarvis Kellogg, administrators of the estate of Hezekiah Selleck, four thousand two hundred and two dollars and nine cents	4,202.09
On the schooner Three Friends, James Shepherd, junior, master, namely:	
Gilbert C. Huntington, administrator of the estate of Alvan Fosdick, deceased, surviving partner of Fosdick and Lambert, thirteen thousand five hundred and seventeen dollars	13,517.00
Mary Souther, administratrix of the estate of Benjamin Wheeler, deceased, five hundred and ten dollars	510.00
On the ship Henry, Daniel Allin, master, namely:	
Rebecca B. Armington, administratrix of the estate of Samuel Allin, three thousand seven hundred and sixty-six dollars	3,766.00
Elizabeth T. Pike, administratrix of the estate of Daniel Allin, deceased, three thousand seven hundred and sixty-six dollars	3,766.00
Samuel W. Peckham, administrator of the estate of Samuel Carlisle, surviving partner of the firm of S. and B. Carlisle, three thousand seven hundred and sixty-six dollars	3,766.00
On the ship Juliana, Thomas Hayward, master, namely:	
Thomas B. Ghequiere, administrator of the estate of Charles Ghequiere, deceased, three thousand eight hundred and forty-nine dollars and sixteen cents	3,849.16
Jacob Bowman Sweitzer and David Stewart, administrators of John Holmes, deceased, twelve thousand one hundred and twenty-nine dollars and sixteen cents	12,129.16
On the ship Leeds Packet, Richard Bunce, master, namely:	
Benjamin H. Rutledge, administrator of Adam Tunno, surviving partner of Tunno and Cox, twenty-one thousand one hundred and sixty-seven dollars and eighty cents	21,167.80
Gordon Gairdner, administrator of James Gairdner, surviving partner of James and Edwin Gairdner and Company, four thousand eight hundred and thirty-three dollars and ninety-three cents	4,833.93
Henry E. Young, administrator of John Turnbull, seven hundred dollars	700.00
Henry E. Young, administrator of James Carson, one thousand seven hundred dollars	1,700.00
Lucy Franklin Reed McDonell, executrix of George Pollock, surviving partner of Hugh Pollock and Company, twelve thousand one hundred and nine dollars	12,109.00
Louisa J. Sebor, administratrix of Jacob Sebor, deceased, five hundred and nine dollars	509.00
On the schooner Union, Samuel Larrabee, master, namely:	
Cornelia S. Jackson, administratrix of Levi Cutter, one thousand eight hundred and thirty-three dollars and fifty cents	1,833.50
Seth L. Milliken, administrator of John Milliken, one thousand eight hundred and thirty-three dollars and fifty cents	1,833.50
On the Brig Friendship, Noah Wheeden, master, namely: George P. Marvin, administrator of Stephen Alling and Joseph Thompson, three thousand nine hundred and forty dollars	
	3,940.00
On the ship Hitty (or Hetty) Jane, Joshua Neal, master, namely:	
Augusta H. Chapman, administratrix de bonis non of Peter Clarke, fourteen thousand eight hundred and forty-four dollars and thirty-seven cents	14,844.37
John C. Howell, administrator of John Potter, twenty-five thousand two hundred and fifty-four dollars and seventy-six cents	25,254.76
A. M. Lee, administrator of Thomas Stewart, six thousand and sixty-one dollars and ninety-three cents	6,061.93
Thomas H. Perkins, administrator of John C. Jones, deceased, five hundred dollars	500.00
William S. Carter, administrator of William Smith deceased, one thousand dollars	1,000.00

On the ship Hitty (or Hetty) Jane, Joshua Neal, master, namely—Cont'd.	
Philo S. Shelton, administrator of Benjamin Homer, deceased, five hundred dollars	\$500.00
John C. Ropes, administrator of Thomas Amory, deceased, one thousand dollars	1,000.00
William G. Perry, administrator of Nicholas Gilman, one thousand dollars	1,000.00
David G. Haskins, junior, administrator of David Greene, deceased, one thousand dollars	1,000.00
John H. Moriarty, administrator of James Scott, deceased, five hundred dollars	500.00
Charles H. Ladd, administrator of Nathaniel A. Haven, deceased, two hundred dollars	200.00
On the brig Horatio, Perkins, master, namely:	
Robert Codman, administrator of William Gray, junior, deceased, four thousand eight hundred dollars	4,800.00
Theodore B. Moody, administrator of Joseph Moody, deceased, two thousand eight hundred and forty-four dollars and fifty cents	2,844.50
Charles C. Perkins, administrator of Eliphalet Perkins, deceased, two thousand eight hundred and forty-four dollars and fifty cents ..	2,844.50
On the sloop New York Packet, Carpenter, master, namely:	
Joseph T. Waff, administrator of Stephen Carpenter, deceased, three thousand and eighty-one dollars	3,081.00
James R. B. Hathaway, administrator of James Hathaway, deceased, three thousand and eighty-one dollars	3,081.00
On the brig Endeavor, Freeman, master, namely:	
Charles E. Alexander, administrator of Jonathan Merry, deceased, eleven thousand nine hundred and ninety dollars and fifty cents ..	11,990.50
Francis Adams, administrator of Edmund Freeman, deceased, four thousand five hundred and ninety-one dollars and fifty cents	4,591.50
Robert Grant, administrator of William H. Boardman, deceased, three hundred dollars	300.00
H. H. Hunnewell, executor of John Welles, deceased, three hundred dollars	300.00
William J. Monroe, administrator of John Brazier, deceased, one thousand dollars	1,000.00
Horace B. Sargent, junior, administrator of Daniel Sargent, deceased, five hundred dollars	500.00
On the ship Suffolk, Bridgham, master, namely:	
Eliza J. Hieskell, administratrix of James Wilson, deceased, five thousand five hundred and eighteen dollars	5,518.00
Eliza J. Hieskell, administratrix of William Wilson, deceased, five thousand five hundred and eighteen dollars	5,518.00
On the sloop Federal George, George Hussey, master, namely:	
Charles F. Adams, administrator of Peter C. Brooks, deceased, two thousand three hundred and forty-one dollars and eighty-six cents ..	2,341.86
Harriet E. Sebor, administratrix of Jacob Sebor, deceased, two hundred and fifty dollars	250.00
H. W. Blagge and others, administrators of Crowell Hatch, deceased, nine hundred and thirty-six dollars and seventy-five cents	936.75
Charles F. Hunt, administrator of Joseph Russell, deceased, four hundred and sixty eight dollars and thirty-seven cents	468.37
On the schooner Sea Flower, Joseph Farley, master, namely:	
Charles F. Adams, administrator of Peter C. Brooks, deceased, four hundred and eighty-seven dollars and six cents	487.06
H. W. Blagge and others, administrators of Crowell Hatch, deceased, two hundred and forty-three dollars and fifty-three cents	243.53
Francis M. Boutwell, administrator of John McLean, deceased, four hundred and eighty-seven dollars and six cents	487.06
Frank Dabney, administrator of Samuel W. Pomeroy, deceased, two hundred and forty-three dollars and fifty-three cents	243.53
John H. Moriarty, administrator of James Scott, deceased, two hundred and ninety-two dollars and twenty cents	292.20
Philo B. Sheldon, administrator of Benjamin Homer, deceased, two hundred and forty-three dollars and fifty-three cents	243.53
On the ship Speculator, John McCarthy, master, namely:	
Louisa J. Sebor, administratrix de bonis non, Jacob Sebor, deceased, two hundred and ninety-four dollars	294.00
Louisa A. Starkweather, administratrix of Richard S. Hallett, deceased, two hundred and fifty dollars	250.00

On the ship <i>Speculator</i> , John McCarthy, master, namely—Continued.	
John W. Lawrence, executor Walter Bowne, deceased, two hundred and fifty dollars.....	\$250.00
William H. T. Elting, administrator of Peter Elting, deceased, one hundred and sixty-six dollars and sixty-six cents.....	166.66
On the schooner <i>Orange</i> , Samuel Wheaton, master, namely: James Burdick, administrator of Thomas Lloyd Halsey, deceased, seven thousand eight hundred and forty-seven dollars.....	7,847.00
Total.....	1,043,117.04

TEXT OF THE FRENCH SPOLIATION ACT.

[PUBLIC—No. 13.]

AN ACT to provide for the ascertainment of claims of American citizens for spoliation committed by the French prior to the thirty-first day of July, eighteen hundred and one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That such citizens of the United States, or their legal representatives, as had valid claims to indemnity upon the French Government arising out of illegal captures, detentions, seizures, condemnations, and confiscations prior to the ratification of the convention between the United States and the French Republic concluded on the thirtieth day of September, eighteen hundred, the ratifications of which were exchanged on the thirty-first day of July following, may apply by petition to the Court of Claims, within two years from the passage of this act, as hereinafter provided: *Provided*, That the provisions of this act shall not extend to such claims as were embraced in the convention between the United States and the French Republic concluded on the thirtieth day of April, eighteen hundred and three; nor to such claims growing out of the acts of France as were allowed and paid, in whole or in part, under the provisions of the treaty between the United States and Spain concluded on the twenty-second day of February, eighteen hundred and nineteen; nor to such claims as were allowed, in whole or in part, under the provisions of the treaty between the United States and France concluded on the fourth day of July, eighteen hundred and thirty-one.

SEC. 2. That the court is hereby authorized to make all needful rules and regulations, not contravening the laws of the land or the provisions of this act, for executing the provisions hereof.

SEC. 3. That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor: *Provided*, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same; and they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

SEC. 4. That the court shall cause notice of all petitions presented under this act to be served on the Attorney-General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

SEC. 5. That it shall be the duty of the Secretary of State to procure, as soon as possible after the passage of this act, through the American minister at Paris or otherwise, all such evidence and documents relating to the claims above mentioned as can be obtained from abroad; which, together with the like evidence and documents on file in the Department of State, or which may be filed in the Department, may be used before the court by the claimants interested therein, or by the United States, but the same shall not be removed from the files of the court; and after the hearings are closed the record of the proceedings of the court and the documents produced before them shall be deposited in the Department of State.

SEC. 6. That on the first Monday of December in each year the court shall report to Congress, for final action, the facts found by it, and its conclusions in all cases which it has disposed of and not previously reported. Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress; and all claims not finally presented to said court within the period of two years limited by this act shall be forever barred; and nothing in this act shall be construed as committing the United States to the payment of any such claims.

Approved, January 20th, 1885.

EXHIBIT C.
PRIVATE DIES.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 16, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th ultimo, inclosing Senate joint resolution No. 15 "For the relief of William Bond and Company and others," owners of private dies.

You request to be informed if the list in the joint resolution is correct, according to the accounts in this Department, and desire information bearing upon the amount of these claims.

In reply, I have the honor to state that your letter and its inclosures were referred to the Commissioner of Internal Revenue, and herewith I transmit a copy of his report, from which it will appear—

1. That claims were filed in his office by the parties named in Statement A of document 147, and that the total amount verified is \$153,570.82.

2. That the parties named in Statement B have never filed their claims with the Commissioner, and the amounts have not been verified by the Internal-Revenue Office.

3. That a "considerable number" of persons have never presented their claims, as the total amount collected from the owners of private dies is very much in excess of the amount of claims filed and judgment of the Court of Claims.

In view of the above facts, I submit that if Congress grants relief it should be confined to those claimants who filed their claims with the Commissioner, as per Statement A.

It has come to the knowledge of this office that some parties claim that they purchased stamps at the subtreasuries. In these cases it is impossible for the office of Internal Revenue to verify their claims.

Many years have passed since these transactions, and it would seem unjust to the Government to now open up the whole matter and permit parties to file claims which should have been filed in a reasonable time after they are supposed to have accrued.

The inclosures of your letter are herewith returned.

Respectfully, yours,

O. L. SPAULDING, *Acting Secretary.*

Hon. HENRY M. TELLER,
Chairman Committee on Claims, United States Senate.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., September 10, 1897.

SIR: This office is in receipt, by reference from you, of a communication addressed to you by the Hon. H. M. Teller, chairman of the United States Senate Committee on Claims, relative to the payment to owners of private dies of the balance of commissions due them.

The above letter was accompanied by three papers, as follows:

Joint resolution (S. R. 15) for the relief of William Bond & Co. and others; statement furnished for use of the Senate Committee on Claims by Hon. J. G. Carlisle, Secretary of the Treasury, February 18, 1897, Document No. 147, and a copy of a report made to the Senate in the Fifty-second Congress, Report No. 119.

In reply to the request for information as to whether the joint resolution contains the names of those interested and is correct according to the accounts in this office, I have to state that the joint resolution contains the names of claimants and amounts stated to be due them, as furnished to the committee by Mr. Parsons, acting as attorney for the parties. On an examination of the claims filed in this office

by Mr. Parsons, it was found that only those appearing in Statement A, in Document 147, could be certified by this office, and for the amounts stated; the total amount of such claims which could be verified by the records of this office being \$153,570.82. It will be seen by reference to page 5 of same report that a number of the claimants appearing in the joint resolution are not included in Statement A, the reason for their noncertification being stated on said page 5.

In answer to the request to be informed as to whether the statement furnished by your immediate predecessor includes all such claims I reply that, as before stated, it includes only those presented by Mr. Parsons, and that it does not include the names of all purchasers of stamps from private dies. A number of such claims were settled by the Court of Claims; others appear upon Statement A, certified by this office, and a considerable number of such purchasers have not presented claims, as will be apparent from the following statement, continued from that appearing on page 5 of said report 119, as follows:

Total excess collected from owners of private dies.....	\$515,000.00
Less—	
Amount paid on judgments of Court of Claims.....	\$164,857.41
Amount certified, Statement A.....	153,570.82
	318,428.23
Balance	196,571.77

Part of which is unclaimed, and for part of which imperfect claims have been filed which can not be verified.

The letter referred by you, with the three papers above mentioned, are herewith inclosed and returned.

Respectfully, yours,

G. W. WILSON, *Acting Commissioner.*

The SECRETARY OF THE TREASURY.

EXHIBIT D.

CONTINENTAL AND OTHER FIRE INSURANCE COMPANIES.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 14, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th ultimo, inclosing copy of Senate bill No. 436, "For the relief of Continental Insurance Company and others."

You requested to be informed "the amount which would be due each of these companies under the provisions of the bill if it should become a law, and also whether there are other companies which would be similarly affected under a general provision."

In reply, I have the honor to state that your letter and the bill were referred to the Commissioner of Internal Revenue, and herewith I transmit copy of his report. You will notice that the Commissioner says that "it is very probable that when called upon to prove their claims some of the claimants (named in the bill) will be unable to prove all of the items claimed."

The Commissioner also says that there may be other corporations which paid the tax, but the corporations named in the bill are the only ones which filed their claims within the time prescribed by section 3228, Revised Statutes.

It would seem that while the Commissioner gives the amounts claimed by the several corporations, these amounts are liable to be reduced when the claims are audited. These amounts should not, therefore, be inserted in the bill.

While the Commissioner says there may be other corporations similarly affected under a general provision, I submit that relief, if given by Congress, should be confined to those corporations which filed their claims within the time prescribed by section 3228, Revised Statutes.

The inclosures of your letter are herewith returned.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Hon. H. M. TELLER,
Chairman Committee on Claims, United States Senate.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., September 9, 1897.

SIR: I have the honor to inclose herewith a letter addressed to you under date of August 27, 1897, by Hon. H. M. Teller, chairman Committee on Claims, United States Senate, and referred to this office with the request that the information called for be furnished your office and the papers returned.

Senator Teller incloses a copy of Senate bill No. 436, for the relief of the Continental Fire Insurance Company and others, and asks what amount would be due to each of the companies under the provisions of the bill if it should become a law, and whether there are other companies which would be similarly affected under a general provision. He also incloses a copy of a report made to the Senate during the first session of the present Congress, and calls attention to certain marked paragraphs therein.

The amounts claimed by the several corporations named in Senate bill 436 are as follows:

Continental Fire Insurance Company of New York.....	\$1,023.75
Eagle Fire Insurance Company of New York.....	2,857.31
City Fire Insurance Company of New York.....	4,141.07
Commercial Mutual Insurance Company of New York.....	9,685.93
Maryland Fire Insurance Company of Baltimore.....	1,640.42
Western National Bank of Baltimore.....	5,041.27
Merchants' National Bank of Baltimore.....	1,217.50
Chesapeake Bank of Baltimore.....	5,568.62
Eastern Railroad Company of Boston.....	8,419.43
Total.....	39,595.30

These claims have not been audited, but it is not probable that the auditing would increase the amount in any case, while it is very probable that when called upon to prove their claims some of the claimants will be unable to prove all of the items claimed.

There may be other corporations which paid to the United States a tax on dividends and profits consisting of moneys received as dividends from other corporations upon which the tax had already been paid, but Senate bill 436 includes all corporations which paid such taxes and which made claims for the refunding thereof within the time prescribed by section 3228, Revised Statutes.

As the corporations named in the bill appear to have paid to the United States taxes not legally due from them, and as they did, within the time prescribed by statute, present their claims and demand the refunding of said taxes, I am of the opinion that it would be equitable and just that a bill authorizing the reconsideration of these claims should become a law.

The marked paragraphs in the inclosed report to the Senate, to which your especial attention is called, appear to have been taken from a letter addressed by Commissioner Miller to your predecessor January 17, 1895, and I fully concur therein except as to the amount, which should be increased by adding thereto the amount claimed by the Chesapeake Bank of Baltimore, \$5,568.62, which was not included in the joint resolution upon which Commissioner Miller was reporting. This would make the total \$39,672.80, from which should be deducted \$77.50, already allowed to the Merchants' National Bank of Baltimore, leaving \$39,595.30 the aggregate amount now claimed by the several corporations named in the bill.

Respectfully, yours,

G. W. WILSON, *Acting Commissioner.*

The SECRETARY OF THE TREASURY.

S. Rep. 544—12

EXHIBIT E.

COTTON FUND.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 6, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, in which you state that "you are instructed by the Senate Committee on Claims to request a statement for the use of the committee giving the amount of money paid into the Treasury on account of cotton seized during the late civil war, and also the amount of such fund, and under what circumstances such disbursement, if any such, have been made.

In reply, I have the honor to state that former Secretaries of the Treasury have made very full reports to Congress of the transactions of the Treasury Department through its agents, who collected captured and abandoned property, and of the amount of the fund derived from the sale of cotton, etc., which has been covered into the Treasury under joint resolution, approved March 30, 1868.

There is now, therefore, no fund carried on the books of the Treasury as the "Cotton fund" or the "Captured and abandoned property fund."

These reports were made with great care and particularity, and, should your committee desire to investigate the details of the transaction, you will find them in these reports.

The Treasury agents for the collection of captured and abandoned property did not confine their operations to cotton, but collected other property, the proceeds of which, when sold, went into the captured and abandoned property fund.

The amount derived from the sale of cotton which went into this fund can not be stated with absolute accuracy, but the facts stated in the reports afford a basis for an approximate estimate.

The total amount covered into the Treasury under the joint resolution of March 30, 1868, was \$26,887,970.21. Included in this amount was the premium on gold, for which the cotton captured at Savannah, Ga., and other near points, was sold. Then the Treasury was authorized to purchase cotton, and the profits on these transactions are included in the above.

The above also includes the money that was advanced by the Treasury to purchase cotton, for after its sale the advanced sums were covered back into the Treasury. In the above is also included the money received from the sale of other property than cotton, and for the rent of lands, etc.

In order to determine the amount of the above fund that was derived from cotton, these various items must be deducted.

We have then—

Proceeds in Treasury from all sources	\$26, 887, 970. 21
---	--------------------

Deduct as follows:

Premium on gold.....	\$2, 571, 090. 25
Profits on cotton purchased	3, 441, 548. 09
Amounts advanced by Treasury	2, 445, 549. 84
Miscellaneous property.....	1, 309, 650. 69
Rents.....	613, 284. 96
Miscellaneous receipts.....	110, 841. 30
Other receipts, sale of vessels, etc.....	1, 438, 526. 39
	11, 930, 491. 52

Leaving as cotton fund proper.....	14, 957, 478. 69
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There has been paid out of this fund, on judgments of the Court of Claims for cotton, special acts of Congress, and under section 5 of the act of May 18, 1872, \$10,749,080.52, which, deducted from the \$14,957,478.69, leaves \$4,208,398.17 as the amount of the captured and abandoned property fund covered into the Treasury,

which represents the proceeds of the sales of cotton now in the general fund of the Treasury. This amount is less than the balance of the fund in the Treasury derived from cotton seized after June 30, 1865, as will be seen by the following statement:

Cotton seized after June 30, 1865.

February 1, 1875, Secretary reports (Forty-third Congress, second session, Senate Ex. Doc. No. 23, p. 58) that the proceeds of cotton seized after June 30, 1865, amounted to..... \$4, 886, 671. 00
Of this amount there was returned under act 1872 195, 896. 21

Leaving (derived from cotton seized after June 30, 1865)..... 4, 690, 774. 79

The claimants, under the act of 1872, had six months to present their claims. There were 1,336 claims filed for 136,148 bales, or 82,510 bales more than were taken. The small amount allowed under the act of 1872 would seem to be conclusive that the cotton taken was the property of the Confederate government and the claimants had no title to it. In addition, the records support this conclusion.

Your committee will see from the above that any further allowance of cotton claims will have to be paid out of the amount in the Treasury which was derived from the sale of cotton seized after June 30, 1865, and which the records of this Department show was the property of the Confederate government, it having been sold by the owners to that government.

The printed reports to which I refer your committee are—

House Ex. Doc. 97, Thirtieth Congress, second session.
House Ex. Doc. 114, Thirty-ninth Congress, second session.
Senate Ex. Doc. 37, Thirty-ninth Congress, second session.
Senate Ex. Doc. 22, Fortieth Congress, second session.
Senate Ex. Doc. 56, Fortieth Congress, second session.
House Ex. Doc. 82, Fortieth Congress, third session.
House Ex. Doc. 113, Forty-first Congress, third session.
House Ex. Doc. 146, Forty-third Congress, first session.
Senate Ex. Doc. 23, Forty-third Congress, second session.
House Ex. Doc. 189, Forty-fourth Congress, first session.
Senate Ex. Doc. 115, Fiftieth Congress, second session.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Hon. HENRY M. TELLER,

Chairman Committee on Claims, United States Senate.

EXHIBIT F.

MISCELLANEOUS COURT OF CLAIMS CASES.

HISTORY OF CHOTEAU CLAIM.—Adverse report in House, Forty-fifth Congress, second session. Favorably reported in House and Senate during Forty-sixth, Forty-seventh, Forty-eighth, and Fifty-first Congresses; House Reports Nos. 50, Fifty-second Congress, and 695, Fifty-third Congress, second session; favorably reported to Senate by Reports No. 187, Fifty-fourth Congress, and No. 15, Fifty-fifth Congress. Passed Senate during Forty-seventh and Forty-eighth Congresses, and both Senate and House during the Fifty-first Congress, and was vetoed by the President. Passed the Senate as separate bill and also as amendment to the general deficiency bill during the Fifty-fourth Congress, and again vetoed by President. Passed the Senate during first session of Fifty-fifth Congress.

HISTORY OF DENNIS CLAIM.—Favorably reported in Senate and House, and passed Senate during the Fifty-first and Fifty-second Congresses. (Senate Reports No. 830, Fifty-first Congress, and No. 512, Fifty-second Congress. House Reports No. 2592, Fifty-first Congress; No. 1601, Fifty-second Congress, and No. 486, Fifty-third Congress.)

HISTORY OF HOWE CLAIM.—Passed Senate during the Fifty-third and Fifty-fourth Congresses (see Senate Report No. 73, Fifty-fourth Congress, and House Report No. 985, same Congress). Favorably reported six times in the House and three times in the Senate.

HISTORY OF MCDUGALL CLAIM.—Referred to Court of Claims by Senate Committee on Claims, Forty-eighth Congress; favorably reported to House and Senate during the Fiftieth and Fifty-first Congresses, passing the Senate each Congress; favorably reported to Senate and House, Fifty-fourth Congress (Senate Report No. 275), and passed Senate; favorably reported to Senate, Fifty-fifth Congress (Report No. 141).

HISTORY OF ROBERTS CLAIM.—Passed Senate during Fifty-first and Fifty-second Congresses (Senate Reports Nos. 144 and 422); passed Senate, Fifty-fourth and Fifty-fifth Congresses (see Reports No. 749, Fifty-fourth Congress, and No. 26, Fifty-fifth Congress); also passed as an amendment to the general deficiency bill, second session Fifty-fourth Congress.

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Confidence, sloop, Bradbury, master.....	171	127	135
Confidence, brig, Manning, master.....	164	107	18
Eleanor, brig, Treat, master.....	164	107	24
Eliza, ship, Burton, master.....	166	113	174
Eliza, ship, Marrenner, master.....	168	119	144
Eliza, schooner, Poulson, master.....	164	107	26
Eliza Wright, brig, Etheridge, master.....	167	117	146
Endeavor, brig, Freeman, master.....	172	131-132	203
Fanny, snow, Barry, master.....	161	48	29
Federal George, sloop, Hussey, master.....	172	132	31
Fox, sloop, Brooks, master.....	165	109-110	33
Friendship, schooner, Gilbert, master.....	170	124	197
Friendship, brig, Hodges, master.....	168	119-120	126
Friendship, brig, Wheedon, master.....	171	129	194
Fusileer, vessel, Shaw, master.....	164	107-108	74
Georgia Packet, vessel, McKeever, master.....	167	115	97
Hannah, schooner, Bessom, master.....	166	112-113	35
Hannah, schooner, Bright, master.....	167	116	162
Hannah, schooner, Bouton, master.....	171	127	137
Henry, ship, Allin, master.....	171	128	176
Henry and Gustavus, schooner, Smith, master.....	170	123-124	139
Hiram, brig, Humphreys, master.....	170	124-125	180
Hitty (or Hetty) Jane, ship, Neal, master.....	171-172	129-130	191
Hope, brig, Church, master.....	164	106	38
Horatio, brig, Perkins, master.....	172	131	209
Jane, schooner, Atwood, master.....	169	120-121	131
Jane, ship, Wallace, master.....	163	102	77
Juliana, ship, Hayward, master.....	171	128	186
Juno, brig, Walker, master.....	164	106	215
Lady Washington, brig, Selleck, master.....	162	99-102	41
Leeds Packet, ship, Bunce, master.....	171	128-129	183
Leonard, brig, Hackett, master.....	165	108	43
Lucy, schooner, Holmes, master.....	165	108	45
Lydia, brig, Cook, master.....	166	113	47
Lydia, snow, Washburn, master.....	167	114	106
Mary, sloop, Totten, master.....	169	122	141
Martha, sloop, McWilliams, master.....	167	116	167

	Page of report.	Page of bill.	Page of findings.
Nancy, sloop, Foster, master.....	166	114	104
Nancy, schooner, Lincoln, master.....	165	110	85
Needham, schooner, Grant, master.....	167	114	91
Neutrality, schooner, Atwater, master.....	170	125-126	195
New York Packet, sloop, Carpenter, master...	172	131	199
Orange, schooner, Wheaton, master.....	173	134	221
Patapsco, ship, Hill, master.....	164	105-106	50
Phoenix, schooner, Coward, master.....	168	117-118	117
Phoenix, schooner, Waite, master.....	168	118	122
Polly, schooner, Atkins, master.....	168	118	108
Ranger, schooner, Bacon, master.....	167	115	113
Reindeer, ship, Motley, master.....	166	113	78
Rosetta, brig, Isaacs, master.....	169	122-123	150
Sally, brig, Hampton, master.....	160	95	51
Sea Flower, schooner, Farley, master.....	172	133	53
Shepherdess, schooner, Chapman, master.....	170	126	142
Speculator, ship, McCarthy, master.....	172-173	133	216
Suffolk, ship, Bridgham, master.....	172	132	206
Thankful, schooner, Ward, master.....	161-162	98-99	56
Theresa, ship, Brum, master.....	166	112	83
Thomas, brig, Fernald, master.....	164	108	80
Three Friends, schooner, Shepherd, master...	171	127	164
Two Sisters, ship, Henery, master.....	160-161	95-96	59
Two Sisters, ship, Hilton, master.....	170	126	172
Union, schooner, Larrabee, master.....	171	129	188
Union, sloop, Lincoln, master.....	170	126	152
Venus, brig, Harmon, master.....	166	114	88
Vulture, brig, Berry, master.....	165	108-109	213
William, brig, Goe, master.....	161	96-97	62
William, brig, Rathbone, master.....	165	110	63
Yorick, brig, Moodie, master.....	167	115-116	94

WAR CLAIMS OF CALIFORNIA, OREGON, AND NEVADA.

MAY 2, 1898.—Ordered to be printed.

Mr. STEWART, from the Committee on Claims, submitted the following

ADDITIONAL REPORT.

[To accompany S. 3545.]

On December 12, 1881, Senator Grover, of Oregon, introduced Senate joint resolution No. 10, to authorize the Secretary of War to duly examine, adjust, and report to Congress the State rebellion war claims of the State of Oregon.

On December 13, 1881, Senator Fair, of Nevada, introduced Senate joint resolution No. 13, of a similar character, for a similar purpose, in relation to the similar State war claims of Nevada.

Both of said resolutions were referred to the Senate Committee on Military Affairs, from which committee Senator Grover, on May 12, 1882, reported a bill, to wit, S. 1673, as a substitute for said two resolutions (and also for Senate bill No. 1144), and accompanied the same with Senate Report 575 (see p. 31, et seq., Senate Report 145, Fifty-fourth Congress, first session), recommending the examination, adjustment, and report to Congress of the rebellion war claims of Oregon and Nevada.

On June 8, 1882, said Senate bill 1673 being under consideration in the Senate, Senator Miller, of California, submitted an amendment thereto, which the Senate adopted, so as to include in said bill the similar State war claims of the State of California, and said bill, being otherwise amended in the Senate and subsequently amended in the House, finally became the act of June 27, 1882 (22 U. S. Stats., 111).

The rebellion war claims of California, Oregon, and Nevada provided for in said act of Congress of June 27, 1882, are the identical State war claims of said three States recited in and provided for in Senate bill 3545, and reported in Senate Report No. 544, Fifty-fifth Congress, second session.

The Secretary of War, Hon. Robert T. Lincoln, declined to do anything under said act of June 27, 1882, as to these claims of these three States until Congress should first give his Department the aid which he twice officially declared to be necessary in order to enable him to duly examine and officially state the war claims of the several States named in said act. (See top of p. 29, Senate Report 145, Fifty-fourth Congress, first session.)

On August 4, 1886, in compliance with his repeated recommendation therefor, Congress gave the Secretary of War authority to appoint a board of three army officers to assist him in duly examining, adjusting, and stating an account between the United States and these three States in reference to these State claims, and this authority so given by Congress consisted in amending said act of June 27, 1882.

The army board provided for in said act so amended on August 4, 1886, was duly appointed on October 6, 1886, by the Secretary of War, Hon. W. C. Endicott, and the members thereof, before entering upon their duties, subscribed an oath, as provided for in said act, "to carefully examine all said claims, and to make a just and impartial statement of all thereof as required by said act of June 27, 1882." (See pp. 25 and 66, Senate Report 145, Fifty-fourth Congress, first session.)

Thereafter abstracts, vouchers, and voluminous evidence in support of all of said claims were duly filed by said three States in the Treasury Department for examination and adjustment under said two acts of Congress of June 27, 1882, and August 4, 1886, and the Treasury Department, after officially stamping all said papers, transmitted the same to the Secretary of War, through the then Third Auditor, so that the Secretary of War, aided by said army board, should duly examine and pass upon the "necessity for and reasonableness of" all the expenses so incurred by said three States, and to duly settle and audit the same, etc., as contemplated by said two acts. (See pp. 27, 28, 58, 59, Senate Report 145, Fifty-fourth Congress, first session.)

The Secretary of War, Hon. Robert T. Lincoln, in reply to a request for information in regard thereto, officially reported to Senator Maxey that said act of June 27, 1882, was deemed sufficiently broad to embrace all proper State claims of Nevada (those of California and Oregon were identical with those of Nevada), and, in consequence thereof, Senator Maxey, from the Senate Committee on Military Affairs, which then had the same under consideration, reported to the Senate that no additional legislation by Congress was needed in the matter of the State war claims of said State. (Pp. 25-28, Senate Report 145, Fifty-fourth Congress, first session.)

The Secretary of War, Hon. W. C. Endicott, on January 27, 1886, also officially reported to Senator Maxey (then also representing the Senate Committee on Military Affairs, having due charge of the subject-matter, in a letter printed in full on pages 28 and 29 of Senate Report 145, Fifty-fourth Congress, first session), in reference to the said act of June 27, 1882, as follows, to wit:

That while the title of the act and the wording of the first section thereof would seem to convey the impression that the claims were to be adjusted by the Secretary of the Treasury, "with the aid and assistance of the Secretary of War," the whole duty of examining and auditing the claims was, by section 2, imposed upon the Secretary of War, leaving the Treasury Department the simple duty of verifying the computations of the Secretary of War.

The full letter from which this extract is taken is as follows, to wit:

[Senate Mis. Doc. No. 54, Forty-ninth Congress, first session.]

Letter from the Secretary of War to Hon. S. B. Maxey, in relation to the claim of the State of Texas presented under the act of June 27, 1882.

JANUARY 29, 1886.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT,
Washington City, January 27, 1886.

SIR: Referring to our recent conversation in regard to the claim of the State of Texas presented under the act of June 27, 1882 (22 Stats., 111, 112), I have the honor to inform you that the first installment of the claim (amount, \$671,400.29) came before

the Department from the Third Auditor of the Treasury July 9, 1884, and the action then taken in the matter appears in the letter from this Department to Mr. Dorn, dated July 16, 1884, copy herewith. The papers herein mentioned were returned to the agent of the State July 25, 1884. November 2, 1885, the Third Auditor of the Treasury wrote to the Department, transmitting through Mr. W. H. Pope, agent of the State, the papers in the claim, which papers were received here November 17, 1885, and they are now being stamped and marked.

In regard to the subject of the State claims mentioned in said act, I beg to inform you that the great difficulty experienced in disposing of the claim of the State of Kansas, the first one presented thereunder, has caused the Department to delay taking up the other claims pending. While the title of the act and the wording of the first section thereof would seem to convey the impression that the claims were to be adjusted by the Secretary of the Treasury, "with the aid and assistance of the Secretary of War," the whole duty of examining and auditing the claims was, by section 2, imposed upon the Secretary of War, leaving the Treasury Department the simple duty of verifying the computations of the Secretary of War.

The policy thus indicated differed widely from that prescribed in section 236 of the Revised Statutes, that "all claims and demands whatever by the United States, or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury," and differs also from the provisions for the adjudication of State claims under the act of July 27, 1861 (12 Stat., p. 276), which were "to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury."

The claims arising under the act are said to amount to \$10,000,000 (that of Texas is now stated at \$1,842,443.78), and the vast labor of examining the papers, pointing out the evidence required to perfect the vouchers and show the necessity of calling out the militia, whose services are charged for, fixing the rate to be allowed on each voucher and tabulating the same, many thousands in number, must be performed by the Secretary of War, and no provision has been provided by Congress for this laborious work.

Two years were consumed in disposing of the claim of the State of Kansas, and if the same course is to be pursued with the other claims arising under the act it will be some time before the claim of Texas is reached, that of Nevada being next in order of receipt.

The subject of the claims was brought to the attention of Congress at the last session (*see* report of Secretary of War for 1884, pp. 4, 5, and estimates for 1886 on p. 206 of House Ex. Doc. No. 5, Forty-eighth Congress, second session), and it has again been presented in the Secretary's report for 1885 (pp. 35 and 36). An estimate to defray the cost of examining the claims will be found on p. 225 of House Ex. Doc. No. 5, Forty-ninth Congress, first session.

I inclose draft of a bill which, if enacted, will enable the Department to dispose of the matter.

Copies of the above-mentioned reports are inclosed.

Very respectfully,

WM. C. ENDICOTT,
Secretary of War.

Hon. S. B. MAXEY,
United States Senate.

In the performance of their duties under the authority of said two acts of June 27, 1882, and August 4, 1886, said army board was continuously engaged for over three years in aiding the Secretary of War in carefully examining, auditing, and making just and impartial statements of accounts between the United States and these three States as to and of these war claims of these three States, and when said statements were duly completed and signed the Secretary of War (then Hon. Redfield Proctor, now United States Senator), under the resolution of the Senate of February 27, 1889, transmitted all thereof, on December 14 and 19, 1889, to the Senate in three separate reports, which the Senate ordered to be printed in three separate documents, to wit, Senate Docs. Nos. 10, 11, 17, Fifty-first Congress, first session.

The sums of money recited by said Secretary of War in his said three statements of allowances to said three States, respectively, to have been duly paid in cash by these three States, under due authority of their respective legislatures therefor, on account of "the costs, charges, and expenses" incurred by them, on account of the 18,715 volunteers actually called by the United States into its military service, are the iden-

tical sums of money named in Senate bill 3545, recommended February 3, 1898, by the Senate Committee on Claims to be paid to them, as recited in Senate Report No. 544, Fifty-fifth Congress, second session, pages 27 and 28.

These three States not having the cash on hand during the rebellion were compelled, under the authority of their respective legislatures, to borrow most of said cash so by them expended to aid "the common defense," which they did by selling their State interest-bearing bonds, all of which bonds said States have heretofore fully redeemed and paid.

While so submitting a statement of allowances of said sums of money in favor of said three States, said Secretary did, at the same time, also submit a statement of disallowances against said States, which, in the case of the State of California, aggregated the sum of \$468,976.54, and in the case of the State of Oregon aggregated the sum of \$21,118.73, which two sums are not included in this bill, although said two States did, however, fully pay the same in cash as a part of their State war expenses necessarily incurred during the war of the rebellion.

Said Secretary aided by said army board prior to so stating an account between the United States and the States of California, Oregon, and Nevada, did also under said two acts of June 27, 1882, and August 4, 1886, state an account between the United States and the State of Texas as provided for in said acts, and in their said statement of account and allowance did allow the State of Texas the sum of \$1,075,793.37, of which sum \$927,177.40 was paid to the State of Texas under the act of Congress of March 30, 1888 (25 U. S. Stats., 71), and \$148,615.97 thereof was subsequently paid to said State under the act of Congress of September 30, 1890 (26 U. S. Stats., 539; see also pp. 26, 27, 29, Senate Report 145, Fifty-fourth Congress, first session).

Part of the action had in Congress during the sixteen years last past, in support of these State rebellion war claims of California, Oregon, and Nevada, and the recommendations of the proper committees in both Senate and House for their payment, are recited in Senate Report No. 145, Fifty-fourth Congress, first session. The value of this report consists in part that it contains the full decision of the United States Supreme Court in the cases of *The State of New York v. The United States*, and of *The United States v. The State of New York*, recited on pages 71 to 81 thereof, declaring among other things the full and true meaning and intention of Congress in its act of July 27, 1861 (12 U. S. Stats., 276), to be that where a State had paid interest on money borrowed and paid out and expended for the "common defense," that the amount of such interest should like the principal be fully reimbursed such State.

The latest recommendation in reference to the State rebellion war claims of these three States is recited in Senate Report No. 544, Fifty-fifth Congress, second session, pages 27 and 28, made February 3, 1898, by Senator Teller, to accompany Senate bill 3545, "for the adjustment and payment of certain claims against the Government of the United States," an extract of which report is as follows, to wit:

STATE CLAIMS.

CALIFORNIA, OREGON, AND NEVADA.

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named States the sums mentioned in connection with each to reimburse

said States for moneys expended by them, respectively, in the suppression of the war of the rebellion, to wit, the amounts when paid to be accepted in full satisfaction for each claim:

California.....	\$3, 951, 915. 42
Oregon.....	335, 152. 88
Nevada.....	404, 040. 70
Total.....	4, 691, 109. 00

Favorable reports on the three above claims combined.—Senate: Nos. 1286 and 2014, Fiftieth Congress; No. 644, Fifty-first Congress; No. 158, Fifty-second Congress; No. 287, Fifty-third Congress; No. 145, Fifty-fourth Congress. House: No. 3396, Fiftieth Congress; No. 2553, Fifty-first Congress; No. 254, Fifty-second Congress; No. 258, Fifty-third Congress; No. 1648, Fifty-fourth Congress.

Passed the Senate in the Fiftieth, Fifty-first, and Fifty-third Congresses.

The claims of these three Pacific coast States have come to be regarded as inseparable because all are of the same character and arose out of similar conditions. They are for the reimbursement to these States of the money by them actually expended in defraying the "costs, charges, and expenses" incurred in placing at the disposal of the United States 18,715 volunteer troops, under calls and requisitions officially made upon them therefor, by the proper civil and military authorities of the United States during the rebellion, between 1861 and 1865. These claims are founded upon the act of Congress of July 27, 1861 (12 Stat. L., 276), "An act to indemnify the States for expenses incurred by them in defense of the United States;" the resolution of Congress of March 8, 1862 (12 Stat. L., 615), "declaratory of the intent and meaning of said act of July 27, 1861;" the resolution of Congress of March 19, 1862 (12 Stat. L., 616), "to authorize the Secretary of War to accept money appropriated by any State for the payment of its volunteers, and to apply the same as directed by such State," and also under other acts.

The troops provided by the three States individually were in numbers as follows: California, 15,725; Nevada, 1,180, and Oregon, 1,810. These claims, if allowed, would give California \$3,951,915.42, Nevada \$404,040.70, and Oregon \$335,152.88. These sums are the same as those recited in three reports made by the Secretary of War to the Senate, which were printed during the Fifty-first Congress, and are known as Senate Executive Documents Nos. 10, 11, and 17 of the first session of that Congress. The raising of these troops was made necessary by the withdrawal of the regular troops stationed on the California coast at the beginning of the civil war. It is claimed that if the same number of troops had been sent to that coast from the Eastern States the transportation alone would have cost \$5,483,385.

The indemnification for the "costs, charges, and expenses" properly incurred by these States for enrolling, subsisting, clothing, supplying, arming, equipping, paying, transporting, and furnishing these volunteer troops, employed by the United States to aid them to maintain the "common defense," was guaranteed by the acts already cited, and the United States Supreme Court, in the case of "The State of New York v. The United States," during the October term of 1895, held that in certain contingencies, very similar to those existing in these three Pacific coast States, the States were entitled to collect interest. These war expenses were met by each of these States borrowing money on bonds, and the interest paid on these bonds is included in the allowance herein made. The total allowance for these three States is \$4,691,109.

An extract from said decision of the United States Supreme Court in said case is as follows, to wit:

The duty of suppressing armed rebellion, having for its object the overthrow of the National Government, was primarily upon that Government and not upon the several States composing the Union. New York came promptly to the assistance of the National Government by enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops to be employed in putting down the rebellion. Immediately after Fort Sumter was fired upon its legislature passed an act appropriating \$3,000,000, or so much thereof as was necessary, out of any moneys in its treasury not otherwise appropriated, to defray any expenses incurred for arms, supplies, or equipments for such forces as were raised in that State and mustered into the service of the United States. In order to meet the burdens imposed by this appropriation, the real and personal property of the people of New York were subjected to taxation. When New York had succeeded in raising thirty thousand soldiers to be employed in suppressing the rebellion, the United States, well knowing that the national existence was imperiled, and that the earnest cooperation and continued support of the States were required in order to maintain the Union, solemnly declared by the act of 1861 that "the costs, charges, and expenses properly incurred" by any State in raising troops to protect the authority of the nation would be met by the General Government. And to remove any possible doubt as to

what expenditures of a State act would be so met, the act of 1862 declared that the of 1861 should embrace expenses incurred before as well as after its approval. It would be a reflection upon the patriotic motives of Congress if we did not place a liberal interpretation upon those acts, and give effect to what, we are not permitted to doubt, was intended by their passage.

Before the act of July 27, 1861, was passed the Secretary of State of the United States telegraphed to the Governor of New York, acknowledging that that State had then furnished fifty thousand troops for service in the war of the rebellion, and thanking the governor for his efforts in that direction. And on July 25, 1861, Secretary Seward telegraphed: "Buy arms and equipments as fast as you can. We pay all." And on July 27, 1861, that "Treasury notes for part advances will be furnished on your call for them." On August 16, 1861, the Secretary of War telegraphed to the governor of New York: "Adopt such measures as may be necessary to fill up your regiments as rapidly as possible. We need the men. Let me know the best the Empire State can do to aid the country in the present emergency." And on February 11, 1862, he telegraphed: "The Government will refund the State for the advances for troops as speedily as the Treasurer can obtain funds for that purpose." Liberally interpreted, it is clear that the acts of July 27, 1861, and March 8, 1862, created on the part of the United States an obligation to indemnify the States for *any* costs, charges, and expenses *properly incurred* for the purposes expressed in the act of 1861, the title of which shows that its object was "to *indemnify* the States for expenses incurred by them in defense of the United States."

So that the only inquiry is whether, within the fair meaning of the latter act, the words "costs, charges, and expenses properly incurred" included interest paid by the State of New York on moneys borrowed for the purpose of raising, subsisting, and supplying troops to be employed in suppressing the rebellion. We have no hesitation in answering this question in the affirmative. If that State was to give effective aid to the General Government in its struggle with the organized forces of rebellion it could only do so by borrowing money sufficient to meet the emergency; for it had no money in its treasury that had not been specifically appropriated for the expenses of its own government. It could not have borrowed money any more than the General Government could have borrowed money without stipulating to pay such interest as was customary in the commercial world. Congress did not expect that any State would decline to borrow and await the collection of money raised by taxation before it moved to the support of the nation. It expected that each loyal State would, as did New York, respond at once in furtherance of the avowed purpose of Congress, by whatever force necessary, to maintain the rightful authority and existence of the National Government.

We can not doubt that the interest paid by the State on its bonds issued to raise money for the purposes expressed by Congress constituted a part of the costs, charges, and expenses properly incurred by it for those objects. Such interest, when paid, became a principal sum as between the State and the United States; that is, became a part of the aggregate sum properly paid by the State for the United States. The principal and interest so paid constitutes a debt from the United States to the State. It is as if the United States had itself borrowed the money through the agency of the State. We therefore hold that the court below did not err in adjudging that the \$91,320.84 paid by the State for interest upon its bonds issued in 1861 to defray the expenses to be incurred in raising troops for the national defense was a principal sum which the United States agreed to pay, and not interest within the meaning of the rule prohibiting the allowance of interest accruing upon claims against the United States prior to the rendition of judgment thereon.

Some of the conditions which existed in California, Oregon, and Nevada during the war of the rebellion which rendered it necessary, in the opinion of the legislature of these three States, for them to make special pecuniary provision for their volunteers respectively in the military service of the United States, may be recited as follows, to wit:

The only currency in these three States in which the troops of the United States had ever been paid up to February 9, 1863, was coin—gold and silver. But on February 9, 1863, the Secretary of the Treasury advised the Assistant Treasurer of the United States at San Francisco that after *that* date all checks of disbursing officers must be paid in United States notes only (see pp. 13, 14, Senate Report 145, Fifty-fourth Congress, first session), and which notes on February 13, 1863, were worth only 61 cents on the dollar in San Francisco and in the interior of Oregon were worth not more than 50 to 55 cents on the dollar.

The condition of public affairs existing in these Pacific coast States in the early part of 1863 is recited on pages 25 and 26 of House Report No. 254, Fifty-second Congress, first session, in words as follows, to wit:

In the early part of April, 1863, the overland mail and emigrant route was attacked by Indians and communication was closed between the Atlantic States and the Pacific coast. This route extended from the Missouri River to California via the Platte River, Salt Lake City, through Nevada to Sacramento, in California, and was the only means at that date of direct overland communication between the Missouri River and California. At this time the gold discoveries in California continued to invite a large immigration, the interest in which was more or less intensified by the continued extensive silver discoveries in Nevada Territory, and principally on the Comstock lode, in the western part of the Territory. The routes via Cape Horn, and especially that via the Isthmus of Panama, were rendered extremely doubtful, dangerous, and expensive on account of Confederate privateer cruisers hovering around the West India Islands and along both these sea routes, and in anticipation of other Confederate cruisers infesting the waters of the Pacific (which soon thereafter became the theater of the operations and extensive depredations of the Confederate privateer *Shenandoah*), the overland route, therefore, although in itself both dangerous and difficult, was yet considered the better and preferable route by which to reach the Pacific.

On account of a general uprising of the Indians along the entire overland route, and especially that portion between Salt Lake City, in the Territory of Utah, and the Sierra Nevada Mountains, and because of the doubts as to the loyalty of the Mormons to the Government of the United States, the maintenance and protection of the mail and emigrant route through that section of the country and along the aforesaid line was regarded by the Government as a military necessity. Apparently in anticipation of no immediate danger of attack on the Pacific Coast, nearly all the troops of the Regular Army at this time had been withdrawn from service throughout this entire region of country and transferred East to other fields of military operations. This left the entire country between Salt Lake City and the Sierra Nevada Mountains without adequate and efficient military protection. The Government thus having but few troops of its Regular Army in that region, was therefore compelled to call upon the inhabitants of Nevada Territory to raise and organize volunteer military companies to suppress Indian disturbances which threatened the entire suspension of all mail facilities and emigration from the East, as will be hereafter shown.

At the time of the calls upon Nevada for troops the prices of labor and supplies of all descriptions in Nevada were extremely high. There were then no railroads, and the snow on the Sierra Nevada Mountains formed an almost impassable barrier against teams from about the 1st of December until about June. The average cost of freight from San Francisco, the main source of supply for western Nevada, was about \$80 a ton, and it was necessary to lay in supplies during the summer and fall for the remainder of the year. A great mining excitement prevailed at this time, occasioned by the marvelous development of the great Comstock lode, and wages were from \$4 to \$10 a day, in gold. The people who had emigrated to the new gold and silver fields went there for the purpose of mining and prospecting for mines, and were generally reluctant to enter the irregular military service of guarding the overland mail and emigrant route. Besides, on account of the extraordinary high price of supplies of every description, and also of wages and service of every kind, it was impossible for them to maintain themselves and families without involving much more expense than any compensation which could be paid them as volunteer troops under the laws of the United States, and, as will be seen by the letters of General Wright, hereafter quoted, they were expected, as volunteer troops, to furnish themselves with horses and equipments, in addition to what could be furnished by the Government.

The military authorities of the United States well knew at that time the exact condition of the country and of the roads across the mountains leading thereto, and of the cost of transportation and of the prices of labor and of supplies and of their own inability to furnish either horses or equipments for a military service that required mounted troops.

It was amid circumstances like these that the honorable Secretary of the Treasury, by telegraphic instructions to the assistant treasurer of the United States at San Francisco, Cal., under date of February 9, 1863 (on which date there was on deposit in the subtreasury at San Francisco, to the credit of the United States, a large amount of gold and silver coin), directed the paymasters of the Army to pay said volunteers in United States notes, commonly called greenbacks. An exemplification of the effect of such instructions is reported by the Secretary

of War on pages 40 and 41, Senate Ex. Doc. No. 11, Fifty-first Congress, first session, in words as follows, to wit:

EXHIBIT No. 10.

DEPUTY PAYMASTER-GENERAL'S OFFICE,
San Francisco, February 13, 1863.

SIR: Yesterday payment of my checks was refused by the assistant treasurer in San Francisco. In reply to a note which I addressed to him I received the following:

"OFFICE OF THE ASSISTANT TREASURER UNITED STATES,
"San Francisco, February 2, 1863.

"SIR: Your communication of this date relative to the check of \$80,000 presented but a few minutes since by Major Eddy and payment declined by me, etc., is just received.

"Under instructions from the honorable Secretary of the Treasury United States of February 9, 1863, I am advised that 'checks of disbursing officers must be paid in United States notes.' Not having notes on hand sufficient to meet the check presented and referred to you has compelled me to decline payment of the same for the time being.

"Respectfully, your obedient servant,

"D. W. CHEESEMAN,
"Assistant Treasurer United States.

"GEORGE H. RINGGOLD,
"Deputy Paymaster-General, U. S. Army."

The effect of these instructions is abruptly to stop payment of the troops. I had drawn out a sufficiency, principally in coin, to pay the posts in Oregon and a portion of the troops in this immediate vicinity; the delay will, I fear, cause great dissatisfaction to those remaining unpaid, as there was a confident expectation that they would now be paid off, and in coin.

In connection with the above statement, I deem proper to forward herewith a copy of a letter recently received from Major Drew, of the Oregon cavalry, which so clearly sets forth the condition of things as regards legal tenders on this coast as to make comment on my part superfluous, except simply to add that gold is the only currency here, and that U. S. Treasury notes are worth only what they will bring on the street. They are quoted at 61 to-day.

I have the honor to remain, very respectfully, your obedient servant,

GEO. H. RINGGOLD,
Deputy Paymaster-General.

Lieut. Col. T. P. ANDREWS,
Acting Paymaster-General U. S. Army.

Respectfully referred to Treasurer of the United States with the request that the funds may be sent to assistant treasurer at San Francisco to meet the drafts in favor of paymasters, and to return these papers for such other action as may be necessary.

T. P. ANDREWS, *Paymaster-General.*

PAYMASTER-GENERAL'S OFFICE, *March 18, 1863.*

If the Treasurer will be kind enough to furnish us with any suggestions from the Treasury that would tend to do away with the causes of complaint in this, to us, difficult case, we should feel indebted.

T. P. ANDREWS, *Paymaster-General.*

PAYMASTER-GENERAL'S OFFICE, *March 18, 1863.*

TREASURER'S OFFICE, *March 19, 1863.*

Respectfully referred to the Secretary of the Treasury.

F. E. SPINNER, *Treasurer United States.*

On September 3, 1861, by command of Lieutenant-General Scott, there were issued from the Headquarters of the Army, General Orders, No. 16, as follows, to wit:

[General Orders, No. 16.]

HEADQUARTERS OF THE ARMY,
Washington, September 3, 1861.

The General in Chief is happy to announce that the Treasury Department, to meet future payments to the troops, is about to supply, besides coin, as heretofore, Treas-

ury notes in fives, tens, and twenties, *as good as gold* at all banks and Government offices throughout the United States, and most convenient for transmission by mail from officers and men to their families at home. Good husbands, fathers, sons, and brothers serving under the Stars and Stripes, will thus soon have the ready and safe means of relieving an immense amount of suffering which could not be reached with coin.

In making up such packages every officer may be relied upon, no doubt, for such assistance as may be needed by his men.

By command of Lieutenant-General Scott:

E. D. TOWNSEND,
Assistant Adjutant-General.

The financial conditions which existed continuously from September 3, 1861, to February 9, 1863, were such as made coin only the currency of the Government of the United States on the Pacific coast. The citizens of California volunteered to enter the military service of the United States under said conditions, and also under the promise expressed in said order of the War Department of September 3, 1861, that future payment for their military services was to be made in coin or in Treasury notes, "*as good as gold* at all banks and Government offices throughout the United States."

But this promise on the part of the War Department was not kept toward the volunteers from California, Oregon, and Nevada in the military service of the United States, in many cases detachments of which troops were not only not paid in coin, but were not paid even in Treasury notes, sometimes for periods covering a year or more; in consequence of which great demoralization existed in the Volunteer Army on the Pacific coast. (See pp. 14, 15, 16, Senate Report No. 145, Fifty-fourth Congress, first session.)

Not only this, but from June 17, 1850, and continuously thence until August 3, 1861, the practice of the War Department under the laws of Congress was to pay each soldier enlisted, recruited, or reenlisted in the States of California, Oregon, and Nevada a sum of money which, while Congress termed it a "bounty," yet it in fact and effect was, and was intended to be, merely extra or additional pay in the form of a constructive mileage equivalent to the cost of transporting a soldier from New York City to the place of such enlistment or reenlistment; said sum was to be paid to each Pacific coast soldier in installments, in the amounts, at the times, and in the manner as recited in the act of Congress therefor, approved June 17, 1850, the third section of which reads as follows:

SEC. 3. *And be it further enacted*, That whenever enlistments are made at or in the vicinity of the said military posts, and remote and distant stations, a bounty equal in amount to the cost of transporting and subsisting a soldier from the principal recruiting depot in the harbor of New York to the place of such enlistment be, and the same is hereby, allowed to each recruit so enlisted, to be paid in unequal installments at the end of each year's service, so that the several amounts shall annually increase, and the largest be paid at the expiration of each enlistment. (U. S. Stat., vol. 9, p. 439).

Congress, during the rebellion, not only changed the manner of maintaining a military force in these three Pacific coast States by relying to a very large degree, if not almost exclusively, upon volunteers to be enlisted and raised therein, but on August 3, 1861, repealed said law. (12 U. S. Stats., sec. 9, p. 289.)

Not only this, but in consequence of the high cost of living in California and Oregon, Congress, on September 28, 1850, passed an act paying to every commissioned officer serving in those States an extra \$2 per day, and to all the enlisted men serving in the United States Army in those

States double the pay then being paid to the troops of the Regular Army. This law is as follows, to wit:

For extra pay to the commissioned officers and enlisted men of the Army of the United States, serving in Oregon or California, three hundred and twenty-five thousand eight hundred and fifty-four dollars, on the following basis, to wit: That there shall be allowed to each commissioned officer as aforesaid, while serving as aforesaid, a per diem, in addition to their regular pay and allowances, of two dollars each, and to each enlisted man as aforesaid, while serving as aforesaid, a per diem, in addition to their present pay and allowances, equal to the pay proper of each as established by existing laws, said extra pay of the enlisted men to be retained until honorably discharged. This additional pay to continue until the first of March eighteen hundred and fifty-two, or until otherwise provided. (U. S. Stat., vol. 9, p. 504.)

It will be here noticed that under these two acts of Congress, the one of the 17th of June, 1850, and the other of the 28th of September, 1850, the so-called "extra pay" and the so-called "bounty" or constructive mileage, were both paid during one and the same period of time by the United States to its own troops serving in the *Regular* United States Army stationed in these States.

If the necessity for this character of legislation for the *Regular* Army of the United States recited in these two acts existed *in a time of profound peace*—and no one doubts but that a necessity therefor did exist—then how much greater the necessity for similar legislation *in a period of actual war*, when the land carriage for supplies over a distance of 2,000 miles, from the Missouri River to these Pacific Coast States, was simply impossible, or at least impracticable, there not being then any overland railroad, and the two sea routes via Cape Horn and the Isthmus of Panama, as recited in the said reports of the Secretary of War, being both hazardous and expensive?

It was in view of these conditions and amid circumstances like these that the States of California, Oregon, and Nevada felt compelled to come to the financial relief of their own volunteers then serving in the Federal Army in these three States, and passed acts through their respective legislatures, under and by which each volunteer in each of said three States was to be paid the sum of \$5 per month in coin, over and above the regular pay by them received from the United States during the existence of the rebellion.

In order to raise the money with which to pay this extra pay, each of said three States, under an appropriate act of its legislature, issued and sold its State coin bonds, all of which they have heretofore fully redeemed and paid, with legal interest.

SECOND.

There is, however, one fact in reference to the California Volunteers which did *not* obtain in the cases of the Oregon and Nevada Volunteers. This was as follows, to-wit:

The California Volunteers were largely serving in the Territories of Arizona and New Mexico, though some were serving elsewhere, but all on the Pacific coast. In 1864 the period of the three years' enlistment of the California volunteers who had been mustered in 1861 into the military service of the United States was approaching termination.

The war in the East was still flagrant, and no one could then foretell the end thereof. General Lee had just invaded Pennsylvania with a large army, and though defeated at Gettysburg, yet extensive and devastating raids were made into the State of Pennsylvania by the Confederate forces as late as July, 1864, by Generals Early, Johnson, and McCausland, the effects of which are represented to have been

even more disastrous to the people of that State than those arising from the raids made therein in 1862 by Gen. Zeb. Stewart, of the Confederate cavalry. Chambersburg, Pa., was burned on July 30, 1864, the Confederates destroying extensive properties in the counties of Adams, Bedford, Cumberland, Franklin, Fulton, Perry, Somerset, and York, lying along the southern border of Pennsylvania and adjoining the northern Maryland line, the value of which property so destroyed is reported to have aggregated a very large sum.

The general commanding the Military Department of New Mexico at Santa Fe, Gen. Charles H. Carleton, was very anxious that the California volunteers then serving in New Mexico should there reenlist either for three years or during the war. Most of them desired to reenlist in New Mexico, but the Second Comptroller of the Treasury, Hon. John M. Brodhead, in September, 1863 (Second Comptroller's Decisions, September 8, 9, 1863, vol. 25, pp. 422 and 425, printed as section 2192, p. 283, of Digest of the Second Comptroller's Decisions, vol. 1, 1861 to 1868), decided that no volunteer who should reenlist should receive any mileage from the place of his discharge to the place of his original enlistment, *but only those should receive mileage who did not reenlist.*

This decision, in effect, was to pay a bounty, by way of mileage, to those volunteers who did *not* reenlist in the United States Army *and to refuse it to those who did reenlist.*

However valid these decisions may have been as declaratory of the supposed intentions of the law as then viewed by the Treasury Department, yet the practical effect thereof was to discourage reenlistments in the case of these volunteers from California, about to be discharged in New Mexico, where they were serving at the dates of said decisions, many hundreds of miles from the places of their original enrollment. Under these decisions the United States in fact decided, as aforesaid, to pay, and did pay, a bounty or mileage to those volunteers *who did not reenlist in the United States Army*, but refused to pay it to those who did so reenlist.

The serious, in fact, alarming, effect of these decisions of the honorable Second Comptroller upon the military condition of affairs in Arizona and New Mexico, where several regiments of these California volunteers were then serving, is shown by the great anxiety and serious concern of Brig. Gen. James H. Carleton, of the Regular Army of the United States, commanding the Department of New Mexico, so much so that he made it the subject of a special report to the Adjutant-General of the Army, at Washington, D. C., recited on pages 60 and 61, Report of Secretary of War, Senate Ex. Doc. No. 11, Fifty-first Congress, first sessions, in words as follows, to wit:

EXHIBIT No. 22.

HEADQUARTERS DEPARTMENT OF NEW MEXICO,

Santa Fe, N. Mex., November 29, 1863.

GENERAL: Until Mr. Brodhead's decision was made, that volunteers who should be discharged by enlistment in veteran volunteers should not receive their mileage from the place of said discharge to the place of original enrollment, I entertained hopes that many, if not most, of the First and Fifth Regiments of Infantry, of the First Cavalry California Volunteers, and First Cavalry New Mexican Volunteers, would reenlist in the veteran volunteers. But since that decision was made it is very doubtful if the California volunteers will reenlist. Their present term of office will expire next August and September. Before that time other troops will have to be sent here to take their places, unless these can be induced to reenlist. The troops in this department should be made an exception to the general rule. In my opinion an order should be made giving all volunteers who reenlist in this department the \$100

due on first enlistment and an increased bounty on the second over and above the bounty paid to soldiers in the East, which would be equal to the cost of getting soldiers from the East to New Mexico. The Government in this way would lose nothing, but would rather gain, because these well-disciplined men would then remain, doubtless, and they have now become familiar with the country, and can do better service for that reason than any newcomers. These men should receive their mileage on their first enlistment. In my opinion the law clearly allows it to soldiers honorably discharged. If the Government do not deny their traveling allowances and will give the bounty named, I believe the most of these regiments can be got to remain. If the Government will not do this, I beg to give timely notice of the necessities which will exist to have troops sent to take their places in time to be in position before the term of service of these men expires.

The California troops do not wish to be sent as regiments back to California; they would rather be discharged here in case they do not reenlist. Some desire to go to the States, some to the gold fields of Arizona, some settle in New Mexico, and some go to California by whatever route they please. The true economy of the question would be promoted by making the bounties so liberal as to induce them to reenter the service for three years or during the war.

I am, General, very truly and respectfully, your obedient servant,

CHARLES H. CARLETON,
Brigadier-General, Commanding.

Brig. Gen. LORENZO THOMAS,
Adjutant-General, U. S. Army, Washington, D. C.

DEPARTMENT NEW MEXICO,
Santa Fe, N. Mex., July 12, 1865.

Official:

BEN. C. CUTLER,
Assistant Adjutant-General.

California, in consequence of the foregoing decision of the Second Comptroller of the Treasury, and to successfully retain veteran soldiers in the military service of the United States, determined, on April 4, 1864, for her own volunteers, who might enlist or reenlist in the United States Army, then serving on the Pacific coast, to revive substantially the aforesaid provision of the act of Congress of June 17, 1850, which had been in existence for the benefit of the Regular Army serving on the Pacific coast continuously from June 17, 1850, to August 3, 1861.

Under the provisions of said California State act of April 4, 1864, each California volunteer soldier so enlisting or reenlisting in the United States Army after April 4, 1864 (the date of the California act for this specific purpose), was to be paid in installments, at the time and in the manner substantially as recited in said Congressional act of June 17, 1850, a sum of money assumed to be equal to the cost of transporting a soldier from New York City to the place of reenlistment or the enlistment of such volunteer soldiers. In view of the scattered military stations of said California volunteers—extending, as they did, from Arizona on the south to Puget Sound on the north, and from San Francisco on the west to Salt Lake City on the east—this sum was fixed at \$160 per each volunteer soldier, which sum at that time substantially represented about the average cost which the United States would have had to pay to transport a soldier from New York City to the places of such enlistment or reenlistment of said volunteers.

In reviving, on April 4, 1864, said act of Congress of June 17, 1850, in the manner and for the purposes therein recited, California used substantially the language which Congress had used in said act by calling said sum of money a "bounty," when, as aforesaid, it was, and was only intended to be, a *constructive mileage*, and which was paid by said State out of her State treasury for the use and benefit of the United States in aid of the "common defense" during the war of the rebellion, but not beginning until after April 4, 1864, and expected to be reimbursed as

contemplated by said act of Congress of July 27, 1861 (12 U. S. Stats., 276), and joint resolution of March 8, 1862 (12 U. S. Stats., 615), and of March 19, 1862 (12 U. S. Stats., 616). In reference to this matter the Secretary of War, in Senate Ex. Doc. No. 11, pp. 22 and 23, Fifty-first Congress, first session, reported to the Senate as follows, to wit:

With respect to the circumstances and exigencies under which this expenditure was incurred by the State, it appears to be plain that it was the earnest desire of the legislature that such troops as the State had been or might thereafter be called upon to furnish the General Government should be promptly supplied. The time was approaching when the terms of most of the volunteer regiments raised in California in the early part of the war would expire. These regiments were occupying important stations in the State and in Territories of Utah, Arizona, and New Mexico, and it was obvious that it would become necessary either to continue them in service by filling them up with new recruits or reenlisted veterans, or, in the event of their disbandment, to replace them by new organizations. Volunteering under the calls of the previous year had progressed tardily, while lucrative employment in the State was abundant and the material inducements for men to enter the Army were small. It was probable that unless these latter were considerably increased recruiting would come to a standstill, and a draft, as in the Eastern States, have to be resorted to. That a draft in California was considered possible, and even probable, is shown by an official letter, written January 8, 1864, to the Adjutant-General of the Army by General Wright, commanding Department of the Pacific, in which he expressed the hope "of procuring quite a number of men who would prefer volunteering to running the chance of being drafted." (P. 205, Senate Ex. Doc. 70, Fiftieth Congress, second session.) The expectation that the mere fear of a draft would sufficiently stimulate volunteering had not, some months later, been realized; and under all circumstances, and prompted by the desire above mentioned, the legislature doubtless deemed it wise to enact the bounty law of April 4, 1864.

Attention is called in "Statement for Senate Committee on Military Affairs" (p. 27) to the third section of an act of Congress (9 U. S. Stats., 439) granting to persons enlisting on the Western frontier and at remote and distant stations a bounty equal in amount to the cost of transporting and subsisting soldiers from the principal recruiting depot in the harbor of New York to the place of enlistment, and it is argued that if it was just, proper, and expedient to grant such a bounty to men enlisting in the Regular Army in such localities in time of peace the allowance by California of a bounty to its volunteers when they were in the actual and active service of the United States in time of war, and "while the exigencies exceeded in degree those under which the United States have heretofore paid a much larger sum to its own Regular Army serving in said States (of California, Oregon, and Nevada) in a time of peace, may be deemed to have been in harmony with the policy so long and so frequently executed by the United States."

These "costs, charges, and expenses" so incurred by these three States therefore were:

- (1) Military expenditures for recruiting 18,715 volunteers.
- (2) Military expenditures in organizing and paying 18,715 volunteers.
- (3) Military expenditures in and for Adjutant-General's Office.
- (4) Military expenditures in paying volunteer commissioned officers between date of service and date of muster in by the proper mustering officers of the United States.
- (5) Military expenditures of a general and miscellaneous character.

All "costs, charges, and expenses" for the military services of the *militia* in all these States were *suspended* and not allowed by the Secretary of War and are excluded from the present claims in accordance with recommendations heretofore made by the Committee on Military Affairs and Committee on Claims in the Senate and by the Committee on War Claims in the House.

Attention is specially called to two important resolutions of Congress adopted, the one on the 8th and the other on the 19th of March, 1862, the object of the first of which was to explain the act of Congress of July 27, 1861, and the object of the second was to encourage and invite appropriations of money to be made by the several States as they might deem to be appropriate in the interests of the United States and

wherein the obligation existed that the United States should indemnify by fully reimbursing the several States, out of any money in the Federal Treasury not otherwise appropriated, the sums of money which such States should appropriate and expend for the uses and purposes recited in the acts of the legislature of each State so appropriating the same. (12 U. S. Stats., 615, 616.) These two resolutions are in words as follows, to wit:

A RESOLUTION declaratory of the intent and meaning of a certain act therein named.

Whereas doubts have arisen as to the true intent and meaning of act numbered eighteen, entitled "An act to *indemnify* the States for expenses incurred by them in 'Defense of the United States,'" approved July twenty-seven, eighteen hundred and sixty-one (12 U. S. Stats., 276):

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said act shall be construed to apply to expenses incurred as well after as before the date of the approval thereof.

Approved, March 8, 1862 (12 U. S. Stats., 615).

A RESOLUTION to authorize the Secretary of War to accept moneys appropriated by any State for the payment of its volunteers and to apply the same as directed by such State.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That if any State during the present rebellion shall make any appropriation to pay the volunteers of that State, the Secretary of War is hereby authorized to accept the same and cause it to be applied by the Paymaster-General to the payments designated by the legislative act making the appropriation, in the same manner as if appropriated by act of Congress; and also to make any regulations that may be necessary for the disbursement and proper application of such funds to the specific purpose for which they may be appropriated by the several States.

Approved, March 19, 1862 (12 U. S. Stats., 616).

In other words, the legislation enacted by Congress in its said act and in resolutions, taken in connection with subsequent similar legislation duly enacted by these three States, constituted, in effect and intendment, statutory contracts binding upon the United States. It is evident that Congress, in advance of all legislative acts by these three States making appropriations of money for their said volunteers, duly declared that all moneys appropriated by their respective legislatures and paid out of their respective State treasuries, intended for the exclusive use and benefit of their said volunteers, theretofore, then, or thereafter serving in the military service of the United States, should be accepted by the United States, through the Secretary of War, and paid to the State volunteers of the States so appropriating said moneys, for the specific uses and purposes for which said States had so appropriated the same, and in the same manner, for the same purposes, and to the same extent as if said moneys had been actually paid directly out of the Federal Treasury under acts of Congress appropriating the same. In other words, Congress approved, ratified, and confirmed *in advance* all these appropriations of money so made by the legislatures of these three States, and in fact, intendment, and effect Congress made these State appropriation acts its own acts, the provisions of which should be duly administered by its own proper officers for the objects and purposes as recited in said State acts. These three Pacific coast States substantially conformed to this legislation of Congress, and strictly followed the same in all particulars where not inhibited by the State constitutions or by the State laws of said States.

A copy of this resolution of Congress, adopted March 19, 1862, was, on July 5, 1863, duly transmitted by Gen. George Wright, commanding the military department of the Pacific, to the governor of California, Hon. Leland Stanford, late Senator from California. The correspondence relating thereto is reported by the Secretary of War on page

183, Senate Ex. Doc. No. 11, Fifty-first Congress, first session, and is as follows, to wit:

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, Cal., July 5, 1863.

His Excellency LELAND STANFORD,
Governor State of California, Sacramento City, Cal.

SIR: Inclosed herewith I have the honor to lay before your excellency a resolution to authorize the Secretary of War to accept moneys appropriated by any State for the payment of its volunteers, and to apply the same as directed by such State, approved March 19, 1862.

Under the provisions of this resolution Lient. Col. George H. Ringgold, deputy paymaster-general at my headquarters, will accept any moneys which have been or which may be appropriated for the purpose set forth, and cause it to be applied to the payments designated by the legislative acts.

With great respect, I have the honor to be, your excellency's obedient servant,

G. WRIGHT,
Brigadier-General, Commanding.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, July 16, 1863.

Gen. GEORGE WRIGHT,
Commanding Department of the Pacific.

SIR: Your favor of the 5th instant, with resolution relative to appropriations for the relief of volunteers in the several States, is at hand.

By reference to sections 3 and 4 of the act of the legislature approved April 27, 1863 (Statutes of 1863, folio 662), you will observe that the requirements of the law are such as to preclude our State officers from departing from its provisions, and would therefore be impossible to pay out the appropriations in the manner indicated by the resolution of Congress.

I am, General, very respectfully, your obedient servant,

LELAND STANFORD,
Governor of California.

In other words, while the State officers of California could *not*, under the laws of that State, legally pay over to any deputy paymaster-general of the United States Army any moneys appropriated by the legislature of that State for the exclusive benefit of its own volunteers then serving in the United States Army on the Pacific coast, yet all of said moneys were in fact duly paid over by the said officers of that State to all of its said volunteers, respectively, serving on the Pacific coast, and for all of which the United States received the full benefit over a third of a century ago.

It is respectfully submitted that these three States confidently expected that these appropriations of money so borrowed by them on their own credit and so made and advanced through their own legislatures to the United States and paid to their said volunteers then serving in the Army of the United States as a part of the military establishment on the Pacific coast during the war of the rebellion, should be fully reimbursed to them. In addition to the foregoing, these three States had been urged to make these very appropriations of money by General George Wright, commanding the Department of the Pacific, and by General Irwin McDowell, commanding the Division or Department of California and Nevada, and by General Benjamin Alvord, commanding the Department of Oregon, for the reimbursement of all of which appropriations said three States relied, not only upon the public exigencies which demanded such appropriations of money on their part, but wherein they rested their action upon the good faith as well as upon the legal and equitable obligations of the United States in all these premises to fully reimburse the same.

Wherefore it fully appears that these State rebellion war claims of these three States have all been carefully examined, legally audited,

and exactly stated by a competent tribunal created for such purposes under due authority from Congress, to which nine years ago they were reported by the honorable Secretary of War, since which they have been frequently recommended for payment by the proper committees in both Houses of Congress in numerous and exhaustive reports, as herein specifically named by number, date, Congress, and session.

These expenditures were all made in good faith by these three States to aid the United States to maintain the "common defense," and justice and the good faith of the United States alike demand that these three States should be now fully reimbursed by Congress for all these expenditures by them so then made.



DREDGE BOAT FOR USE AT SABINE PASS.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. MILLS, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 4581.]

The Committee on Commerce, to whom was referred House bill 4581, submit the following report:

This bill provides for making immediately available \$30,000 heretofore appropriated for the expenses of operating a dredge boat to be bought by the Government for use at Sabine Pass, Tex. The Secretary of War has not been able, up to date, to purchase the dredge boat, and hence the \$30,000 can not be used without authority of Congress.

The Chief of Engineers, as well as the engineer in immediate charge of the work at Sabine Pass, recommends the passage of this bill and says the legislation is desirable and needed. The money will be applied as contemplated by Congress in its former appropriation, except that it will be expended to operate another dredge boat instead of the boat to be bought by the Secretary of War.

Your committee therefore recommend the passage of this bill.



SIoux INDIANS, CROW CREEK RESERVATION.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs,
submitted the following

REPORT.

[To accompany Mr. KYLE's amendment to H. R. 6896.]

STATEMENT.

When General Crook was here as Sioux commissioner, negotiating with us for our consent to open to settlement a part of our great reservation of the Sioux Nation, and the bill was read to us, we discovered that the number of acres reserved for a permanent reservation for the Indians receiving rations and annuities at the Crow Creek agency was 187,000 less than the number reserved for the people west of the Missouri River, in proportion to our number. For this reason we refused to sign the bill, upon which General Crook and his two assistant commissioners promised to recommend to Congress the payment of \$187,000 in lieu of the 187,000 acres to which we were entitled.

We also notice that no provision is made in the bill for rations and annuities, and we still refuse to sign. Whereupon General Crook promises to recommend the extension of the treaties of 1868 and 1877 for fifty years.

We still refused to sign unless both of these promises were made in the form of a written contract.

General Crook then asked us if we would sign a conditional written contract in these words:

"Unless the Government pay us in cash in our hands \$187,000, in lieu of the 187,000 acres of land reserved less for us and extend the treaties of 1868 and 1877 for the term of fifty years (this to be in addition to Sioux bill), our names will be taken from the contract and our reservation (Crow Creek) shall lie unopen to settlement."

This agreement was first signed by General Crook, his two assistant commissioners, and our agent, W. W. Anderson, then by Chief White Ghost and the remainder of the tribe; this being the only paper signed by us concerning the opening of the reservation. Some time after this conditional contract was signed our reservation was opened to settlement, but the \$187,000 has never been paid to us. It grieves us greatly that the Government has not lived up to this contract."

MILITARY ATTACHÉS AT FOREIGN CAPITALS.

FEBRUARY 3, 1898.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 3559.]

The Committee on Military Affairs, having under consideration sundry communications from the State and War Departments, and certain letters from the ambassadors from the United States at the courts of Vienna and Berlin, all of which are appended hereto, report a bill to carry into effect the recommendation made in the aforesaid papers and recommend that the bill do pass.

The matter is fully set forth in the papers referred to.

DEPARTMENT OF STATE,
Washington, January 25, 1898.

SIR: I have the honor to inclose, for the information and consideration of your committee, a letter of the 18th ultimo, addressed to you by Mr. White, the ambassador of the United States at Berlin, recommending the elevation of military attachés to embassies and legations to the rank and pay of colonels and lieutenant-colonels or majors, respectively.

The letter in question having been submitted to the War Department for an expression of its views on the subject, has been returned with the statement that the views therein expressed are in harmony with those entertained by that Department.

Respectfully, yours,

JOHN SHERMAN.

Hon. JOSEPH R. HAWLEY,
Chairman of the Military Committee, United States Senate.

EMBASSY OF THE UNITED STATES OF AMERICA,
Berlin, December 18, 1897.

SIR: I observe that the Secretary of War recommends that at embassies military attachés have the rank and pay of colonel and at legations the rank and pay of lieutenant-colonels or majors.

He bases his recommendations on the fact that, as a rule, our military representatives are at a decided disadvantage as regards rank, not simply on occasions of ceremony, but in the usual exercise of their duties.

I feel obliged to subscribe to these statements fully, and to add that as compared with European military representatives our own have not a rank commensurate with their age and experience. European, South American, and Asiatic countries make special provisions in matters of rank and pay for their military attachés. At this post our military attaché is a man of large experience, who has hitherto been intrusted with very important duties in connection with an expedition in Alaska

and as military attaché at St. Petersburg, and is older than more than half of his colleagues; yet none of these has a lower rank than major, while he is a first lieutenant.

During the recent maneuvers here he was, in accordance with his rank, given last choice in the quarter accommodations, last place in transportation, and lowest seat at meals.

It is somewhat humiliating to have our military representative take place after the Japanese, Turk, Argentine, and others, especially when they are his juniors in years.

What is true of this post may in general be said of others. I observed the same thing during my experience as minister at St. Petersburg and greatly regretted it. It put us at a disadvantage in many ways.

A military attaché is by no means a mere ceremonial personage. The one now here was with me in St. Petersburg, and in that position, as in this, has proved himself indefatigable in securing information, in sifting it, and in communicating it to our Government, regarding the great armies of Europe, the provision for them, their equipment, means, and mode of movement, etc.

It has always seemed to me that the services of such men must be of the utmost importance to us in informing us of the latest and most advanced methods of the great military nations, and I earnestly hope that something can be done to raise them, and indeed our embassies and legations, out of the unfortunate position in which the absence of what is here considered proper rank places them.

I am, sir, most respectfully, yours,

ANDREW D. WHITE.

Gen. JOSEPH R. HAWLEY,

Chairman Military Committee, Senate of the United States.

DEPARTMENT OF STATE,

Washington, February 1, 1898.

SIR: Referring to the Department's letter of the 25th ultimo, I have the honor, by direction of the Secretary of State, to inclose, for the information and consideration of your committee, copy of a dispatch, dated the 5th ultimo, from the United States minister at Vienna, recommending the elevation in rank of the military attachés of the United States in European capitals, and in particular the rank of Lieut. John L. Chamberlain, who is now serving at Vienna as military attaché.

Respectfully, yours,

WILLIAM R. DAY, *Assistant Secretary.*

Hon. JOSEPH R. HAWLEY,

Chairman of the Military Committee, United States Senate.

No. 36.]

UNITED STATES LEGATION,

Vienna, January 5, 1898.

SIR: I beg leave to call the attention of the Department to the question of the rank of the military attaché to this legation and to his official relations in consequence as the military representative of the United States, both with the Government of Austria-Hungary and with his colleagues sent from other countries to this court in a similar capacity. I do this as well from my own observation as with the knowledge and at the earnest wish of Lieut. John L. Chamberlain, who is now serving here as military attaché.

There are at present nine military officers besides the American attaché in Vienna who represent their respective countries at the court of Austria-Hungary. Of these, the attachés of England, Germany, Russia, Italy, and Japan have each the rank of colonel; those of Spain and Servia have that of lieutenant-colonel, while those of France and Roumania are majors. Four of these officers are 40 years of age; three are 45; one, the British attaché, is 48, while the attaché of Roumania is 35.

Lieutenant Chamberlain was graduated at West Point in 1880, and is a first lieutenant of artillery in the United States Army, 40 years of age. The fact that the exigencies of the service in America may keep an officer in the lower grades for many years longer than is ever the case in European countries is not understood here, and the military attaché to this legation feels himself at a constant disadvantage in his association with these European officers, who, in spite of his seventeen years of actual service in the Army, all outrank him, and, naturally, he can not escape the criticism which would be applied to a similar case if it were to occur here, namely, that if an officer had reached the age of 40 years without having become a field officer it must be because he was not thought worthy of promotion.

In this situation of inferior rank the representative of the United States finds himself facing a practical disadvantage, however, which is more important than the

question of personal feeling of comfort or sensibility, and it is to this that I would especially call the attention of the Department, to wit, he must stand aside for everybody else. Under present circumstances the United States are always last. Their representative is at the foot of the line, whether at the war office, at the maneuvers, or wherever else he is associated with his colleagues. He comes in last, he has the last horse, and is given the lowest seat at the table.

I have no intention of conveying the impression that there is the slightest discourtesy or disrespect ever shown, or intended to be shown, in these matters to the United States Government. Quite the contrary, the representatives of the United States at this court are invariably received with the greatest consideration. But they are estimated at the value placed upon them by their own Government, and in official matters in Europe these values, as you are well aware, are accepted with great precision. There is necessarily an impairment of the service which an officer is able to render his Government when he is obliged, by the fixed and recognized laws of his profession, to consider himself the inferior of all or any of those with whom he associates officially. And, besides this loss of efficiency, the people of the United States must also suffer a loss of prestige by failing to take advantage of and to occupy a position in accord with their dignity as a nation.

There can be no doubt that we are doing ourselves an injustice by overlooking the importance of rank in a country and amid surroundings where rank is the test of representation. However great the power of the United States may actually be, their representatives abroad fill the positions created for them at home; and they can not serve to their full capacity the interests of the nation if they are permitted to speak only with the authority of youth upon subjects which are regarded as the business of men of mature judgment. Thus an officer, like the present military attaché to this legation, who is fully equipped for the work he is sent here to do, and fitted for his place by years of actual service in the United States Army, is bound to see himself rated in this military country alongside of young men who have but just left their school books.

The rank of major or colonel conferred upon him by the Federal Government, as military attaché, and during the time for which he is detailed to this service, would unquestionably result in benefit to the United States from the increased efficiency with which he could perform his duties here, in consequence; and the increase of pay, if that could be made to accompany the promotion in rank, would enable the military attaché to sustain his official position, as well as to accept and return the courtesies and hospitalities offered him in his representative capacity.

I would earnestly commend this subject to the consideration of the Department, in connection with a recommendation which I understand has recently been made to Congress by the Honorable Secretary of War.

I have, etc.,

CHARLEMAGNE TOWER,
United States Minister.

Hon. JOHN SHERMAN,
Secretary of State, Washington, D. C.

UNITED STATES ATTACHÉS.

List of military attachés serving at the American embassies and legations abroad, together with their rank, pay, and ages.

Name.	Rank.	Age.	Capital.	Present pay, monthly.	Pay as colonel, monthly.
Alfred E. Bates.....	Lieutenant-colonel....	57	London	\$333. 33	\$375. 00
Alexander Rodgers.....	Captain.....	45	Paris.....	233. 33	375. 00
H. T. Allen	Lieutenant (first).....	39	Berlin.....	173. 73	375. 00
G. P. Scriven.....	Captain.....	44	Rome	233. 33	375. 00
J. R. Williams	Lieutenant (first).....	43	Berne	186. 67	<i>As major.</i> 291. 67
J. L. Chamberlain.....	do	40	Vienna.....	186. 67	291. 67
G. T. Langhorne	do	30	Brussels	160. 00	250. 00
T. H. Bliss	Captain.....	44	Madrid.....	233. 33	291. 67
J. N. Wheelan	Major.....	60	The Hague.....	291. 67	291. 67
Edmund Rice.....	Captain.....	56	Tokio.....	210. 00	291. 67
W. R. Livermore.....	Major.....	55	Copenhagen and Stockholm.	291. 67	291. 67
G. L. Anderson	Lieutenant (first).....	49	St. Petersburg	186. 67	291. 67
Powell Clayton, jr	Lieutenant (second) ..	26	Mexico.....	137. 50	229. 17
				2, 857. 90	4, 020. 86

Total yearly difference in pay, \$13,955.52.

List of foreign military attachés serving in certain capitals, together with their rank, ages, and the countries they represent.

VIENNA.

Name.	Rank.	Age.	Country.
Berekheim	Major	45	France.
Wardrop	Colonel	48	England.
Nava	do	40	Italy.
Ohara	Major	35	Japan.
Demetrisko	do	35	Roumania.
Uorouiee	Colonel	40	Russia.
Moschin	Lieutenant-colonel	45	Servia.
Don joú Centano	do	45	Spain.
Hühsen-Häselu	Colonel	38	Prussia.

BERLIN, GERMANY.

	Lieutenant-colonel	58	Spain.
	Major	45	Sweden.
	Colonel	44	Italy.
	Lieutenant-colonel	43	France.
	do	40	Argentina.
	do	38	England.
	Major	38	Roumania.
	Lieutenant-colonel	37	Turkey.
	Major	35	Austria.
	Lieutenant-colonel	34	Russia.
	First lieutenant	38	America.

BRUSSELS, BELGIUM.

Schneider	Colonel		Austria.
Tewfik Pasha	Brigadier-general	37	Turkey.
De Smaguine	Colonel	45	Russia.
Count del Serrallo	Lieutenant-colonel	43	Spain.
Count von Haake	Major	39	Germany.
Haillat	Captain	38	France.
Dawson	Lieutenant-colonel		England.
Panizzaidi	do		Italy.
Tamura	do		Japan.
Yardesco	Major		Roumania.

PARIS, FRANCE.

De Freederickz	Lieutenant-general	57	Russia.
Schneider	Colonel	45	Austria.
De Schwartzkoppen	do	47	Germany.
Panizzardi	do	43	Italy.
Iditti	do	a 40	Japan.
Dawson	Lieutenant-colonel	43	England.
Kellogg	Major	55	America.
Gardesco	do	36	Roumania.
Echaguë	do	a 40	Spain.
Behrling	Captain	33	Sweden.

ROME, ITALY.

Needham	Colonel	53	England.
Emil de Pott	do	48 to 50	Austria-Hungary.
Valles y Soler de Aragon	do		Spain.
Girard Pinsoniere	Lieutenant-colonel	45	France.
Prince Troubetskoi	do	35	Russia.
Otziai	do	35	Japan.
Ali Nadir Bey	do	35	Turkey.
Jacobi	Major	35 to 38	Germany.
	Colonel		Peru.
	Lieutenant-colonel		Chile.

a About.

List of foreign military attachés serving in certain capitals, etc.—Continued.

TOKYO, JAPAN.

Name.	Rank.	Age.	Country.
F. W. Hemming.....	Colonel.....	40	England.
Count Pimodan.....	Captain (cavalry).....	29	France.
Count Max Meinche.....	First lieutenant (cavalry).....	30	Germany.
Count Hans von Konigsmarck.....	First lieutenant.....	27	Do.
Ignacio Altamira.....	Lieutenant-colonel.....	37	Mexico.
E. A. Marques.....	Lieutenant.....	26	Portugal.
Nicolas Yanjoul.....	Colonel.....	55	Russia.
T. Chaglin.....	Lieutenant.....	29	Do.
Juan Cologan.....	Major.....	32	Spain.
Joaquin Anglada (naval attaché) ..	Captain.....	36	Do.

CERTAIN WRITS TO BE DIRECTED TO AND EXECUTED BY
THE MARSHAL OF THE DISTRICT OF COLUMBIA.

FEBRUARY 4, 1898.—Ordered to be printed.

Mr. FAULKNER, from the Committee on the District of Columbia, submitted the following

R E P O R T.

[To accompany S. 2347.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2347) "to require certain writs to be directed to and executed by the marshal of the District of Columbia," make a favorable report thereon.

The bill was introduced at the instance of the Commissioners of the District of Columbia, in order to have writs of fieri facias executed by the marshal of the District instead of by the major of police. The arguments on which the change is based are given below.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 12, 1897.

DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend the insertion in the pending deficiency bill of the following proposed amendment to the law in regard to writs of fieri facias on judgments of the police court in District cases, viz:

"That hereafter all writs of fieri facias or other writs of execution of judgments, issued by the police court of the District of Columbia, shall be directed to and executed by the marshal of the District of Columbia; and all laws and parts of laws inconsistent herewith are hereby repealed."

This draft was prepared by the attorney for the District of Columbia.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Senator WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 18, 1897.

DEAR SIR: Pursuant to your request of the 15th instant, for a statement as to the reasons in full for the Commissioners' recommendation of the 12th instant, for the insertion in the pending deficiency bill of a provision requiring all writs of fieri facias and other writs of execution issued by the police court of the District of Columbia to be directed to and executed by the marshal of said District, the Commissioners have the honor to transmit herewith a copy of a communication received from their attorney, containing the information desired.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

THOMAS B. CLEAVES, Esq.,
Clerk, Committee on Appropriations, United States Senate.

OFFICE OF THE ATTORNEY, DISTRICT OF COLUMBIA,
Washington, June 17, 1897.

GENTLEMEN: I have the honor to return to you herewith the letter of Mr. Cleaves, Clerk of the Senate, relative to a clause to be inserted in the pending deficiency bill requiring all writs of fieri facias issued by the police court in District cases to be directed to and executed by the United States marshal for the District, and requesting information of the change this provision would make in existing law, and the reasons for making the change, which you referred to me for opinion.

In reply, I have to say that section 1079 of the Revised Statutes of the District of Columbia provides that all fines, penalties, costs, and forfeitures imposed or taxed by the police court shall be collected by the marshal or by the major of police, as the case may be, on process ordered by the court, and by them paid over to the District.

As to cases on the United States side of the police court writs of fieri facias are directed to the marshal, but as to cases on the District side process is directed to the major and superintendent of police.

The proposed change in the law will alter this section of the Revised Statutes, and make writs of fieri facias on all judgments of the police court, whether in United States or District cases, run to the United States marshal.

The reasons for the change are: (1) It is very doubtful whether the major and superintendent of police has any authority to execute writs of fieri facias from the police court; (2) that if the major and superintendent of police has such authority, his office is not equipped with such clerical force and assistants as is necessary for such business; (3) the execution of writs of fieri facias is not in the line of the duty of the major and superintendent of police, and (4) that the imposition of this duty upon him will impair the efficiency of the police force by requiring its members to assist in the execution of civil process when they have other duties to perform, whereas the marshal's office is equipped for the execution of civil process, and executes all civil process of the supreme court of the District of Columbia, the court of appeals, and of the police court in United States cases.

If existing law on this subject remains unchanged and the major of police is required to execute civil process in District cases in the police court, it is manifest from the great number of cases of forfeitures of recognizances in that court in District cases that the efficiency of the police force will be very materially impaired by this diversion from its proper duties.

Very respectfully,

S. T. THOMAS,
Attorney District of Columbia.

The COMMISSIONERS, ETC.

POLICE COURT OF THE DISTRICT OF COLUMBIA,
Washington, D. C., June 22, 1897.

MY DEAR SIR: The Commissioners of the District of Columbia have sent to the Senate an amendment to the present law providing that writs of execution from the police court shall be sent to the United States marshal for execution.

Various classes of offenders, such as vagrants, prostitutes, and suspicious characters, are required to give bond in the police court for their good behavior for six months. This requirement has become a perfect farce, for there is no way under the law to enforce the forfeiture of such a bond except by a suit in court.

The United States marshal has no jurisdiction in the case, and the chief of police refuses to execute these writs because he has none of the machinery in his office by which to enforce them. The only result of a conviction for such an offense is the giving of a bond at the cost of \$5 or \$10 for a bondsman and the immediate return of the defendant to the old life, both the bondsman and the defendant knowing that, if forfeited, it can not be enforced. I am very anxious that power be given to the United States marshal to execute writs of fi. fa., and other writs sent to him by the police court for execution, and ask you to present the matter to the Committee on Appropriations, so that amendment may be added to the deficiency bill.

Very respectfully,

I. G. KIMBALL, *Judge Police Court.*

Hon. JAS. McMILLAN,
Chairman District Committee, United States Senate.

TAXES AND TAX SALES IN THE DISTRICT OF COLUMBIA.

FEBRUARY 4, 1898.—Ordered to be printed.

Mr. FAULKNER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 2283.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 2283) in relation to taxes and tax sales in the District of Columbia, make a favorable report thereon.

A similar bill was reported from this committee during the Fifty-fourth Congress, at the instance of the District Commissioners. The bill was drawn to meet certain defects in the present law.

The reasons set forth for the passage of the bill are very fully and clearly stated by Mr. Matthew Trimble, the assessor of the District of Columbia, in a report made by that officer to the Commissioners of the District of Columbia for the year ending June 30, 1897, and from page 5 of his report we take the following, under the head of "Cancellation of taxes:"

I again call attention to an essential fault in our law for the enforcement of arrears of taxes, and as each year passes the defects become more apparent.

Under the provisions of the act approved March 19, 1890, property which has once been advertised for nonpayment of taxes can not be again advertised for the same tax, and consequently when a party other than the District is the purchaser the certificate of sale issued by the Commissioners is for the tax of one year only, although twenty years and more of arrears may be due and unpaid at the time.

There is also a peremptory requirement in the law that at the expiration of two years from the date of the sale the Commissioners must, on demand of the owner of the tax-sale certificate, issue a deed for the property, without providing as a condition precedent to such deed that all overdue taxes and assessments other than those involved in such tax-sale certificate shall also have been paid.

Under a decision of the supreme court of the District, in the case of *John H. Brewer v. The District of Columbia et al.*, equity No. 9513, decided November 1, 1886 (5 Mackey's Reports, p. 274 et seq.), a deed of property made in pursuance of a sale for arrears of taxes for any certain year passes the property involved to the purchaser at such sale discharged of the liens of all taxes and assessments remaining due and unpaid at the time of sale, so far as the District is concerned. As a tax deed thus carries with it a clear title against any claim of the District for taxes due prior to its issue, it is a convenient agency of frequent resort for the evasion of the payment of overdue assessments and taxes.

As the full force and effect of this decision is becoming better known many are taking advantage of it, and instead of paying their taxes promptly are letting the various payments go by default, looking forward to the fact that each year only adds to the amount to be subsequently canceled, and thereby adding additional burdens of expense upon the prompt taxpayer.

There is a bill now pending on the Senate Calendar (S. 916), having received the approval of the District committees in both Houses, which was carefully revised by the attorney for the District, the collector of taxes, and myself, and is calculated to remedy the glaring defects in our present law. I invite special attention to this bill and earnestly urge the support of the Commissioners for its early passage at the coming session of Congress.

TAXES AND TAX Payers IN THE STATE OF CALIFORNIA

THE STATE OF CALIFORNIA, 1884.

REPORT OF THE COMMISSIONER OF THE LAND OFFICE.

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE AND ASSEMBLY, JANUARY 1, 1884.

THE COMMISSIONER OF THE LAND OFFICE, CALIFORNIA.

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THE COMMISSIONER OF THE LAND OFFICE, CALIFORNIA.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIA-
TION BILL.

FEBRUARY 4, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia, sub-
mitted the following

REPORT.

[To accompany Mr. Elkins's amendment to H. R. 6897.]

The Committee on the District of Columbia, to whom was referred the amendment intended to be proposed by Senator Elkins to the bill (H. R. 6897) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes," make a favorable report upon the same.

The amendment, which provides that street cleaning shall be done by day labor, was submitted to the Commissioners of the District of Columbia, who make the following reports:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 31, 1898.

DEAR SIR: The Commissioners recommend favorable action upon the amendment to have the work of street cleaning done by day labor, intended to be proposed by Senator Elkins to bill (H. R. 6897) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1899, and for other purposes. A copy of the report of the superintendent of street cleaning, setting forth the reasons for this recommendation, is herewith transmitted.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Senator JAMES McMILLAN,
Chairman Committee on the District of Columbia, United States Senate.

STREET AND ALLEY CLEANING DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, January 10, 1898.

SIR: I have the honor to submit herewith a comparative statement of the cost of street sweeping by hand under contract, at the rate now paid, and the cost of same work if done under District control exclusively.

The statement is made in support of the recommendation hitherto submitted, and now before Congress, for legislation conferring upon the Commissioners the authority to have the work done under their own supervision, a proposition which I greatly

favor, and in support of which I most respectfully present the following facts, in connection with the tabular statements: The most important matter to be considered in discussing the subject is whether or not by municipal control the work can be as well and as economically done as it now is under contract.

Reference to the tables herewith will show, I submit, that the cost will be less if the cleaning be done exclusively by direction of the Commissioners than it is or has been by the other method, and experience and observation prove that more satisfactory results may be expected by municipal supervision direct.

It is also true, in addition to securing better work and making allowance for a larger number of men at an advance in wages, that the District will save money annually. The saving the first year will be at least enough to purchase the necessary plant, after which the balance can be applied to extending the system and giving the public a better service. Investigation proves that the contractor's profits may be employed to increase the force at higher wages and still keep well within the estimated appropriation for 1899. Thus, a larger proportion of the worthy laboring men of the District can be employed at a living compensation, and, by increasing the area to be swept by hand, give greater satisfaction to the people.

A principal advantage of the proposed plan over contract work is that the employees will be under direct control of the District government, so that when any section shall require special attention any desired portion or all of the force may be at once transferred to the work, with no contractor to consult, no liability to infringe upon another's rights, and avoiding contention as to the compensation for extra work.

Another point in favor of municipal control is that but one set of employees will be under supervision, with no clauses of contract to interpret in case where the work may be slighted; the work of supervision can be brought within smaller compass and inferior work reduced to the minimum, because largely of the absence of motive or interest to do inferior work, or to wholly neglect any part of the area.

Under municipal control there will be no conflicting interests, and the principal effort may then be to insure the best work possible at the least expense consistent with justice to the labor employed.

If an employee then neglects the duties assigned to him, the remedy may be applied direct.

I would respectfully suggest, therefore, that though the cost of the two methods be the same, municipal control is far to be preferred, and when it is demonstrated, as I maintain is done in the figures representing the relative expense, that the Commissioners can have the street cleaning well done at less cost than is incurred under the present system, at the same time employing labor at a better rate of compensation than is now given, there would seem to be no reason why Congress should not authorize the change asked for.

At the same time it may be said that hand cleaning, which is more satisfactory in its results than machine work, may, under municipal direction, be extended to cover the entire city without conflict with the contract provisions, and at the same time without involving the District in extra expense.

The comparison of cost shown in the following tables is based on a practical test of the system from July 1, 1897, to January 1, 1898. Under the present contract for hand work we are cleaning on an average 417,500 square yards daily at a rate of 32 cents per 1,000 square yards, which costs the District \$133.60 per day, or \$38,744 per annum of two hundred and ninety working days.

Table No. 1 shows the force required and the actual expense to the District if we were doing the work now being done under contract, and is the basis on which calculation is made.

Table No. 1.

63 men, at \$1 per day	\$63.00
8 horses and carts, at \$2.50 per day	20.00
63 brooms, wear and tear, 5½ cents per day	3.23
Other tools, bag carriers, etc	.50
Actual cost per day	86.73

A difference of \$46.87 per day, or \$13,592.30 per annum, favorable to the District doing its own work.

Table No. 2 shows the cost to the District to clean all improved streets and avenues in the city, or 1,700,000 square yards daily as proposed, at the same rate of wages paid under present contract, giving the rate per 1,000 square yards and the amount that would be saved to the District.

Table No. 2.

	Per day.	Per annum.
257 men, at \$1 per day.....	\$257. 00	\$74, 530. 00
33 horses and carts, at \$2.50 per day.....	82. 50	23, 925. 00
257 brooms, wear and tear, at 5½ cents.....	13. 17	3, 819. 30
Other tools, bag carriages, etc.....	2. 00	580. 00
Actual cost.....	354. 67	102, 854. 30
Average cost per 1,000 square yards, 20.86 cents.		
1,700,000, at 32 cents.....	544. 00	157, 760. 00
1,700,000, at 20.86 cents.....	354. 67	102, 854. 30
Difference in favor of District.....	189. 33	54, 905. 70

Table No. 3 shows the actual cost, the rate per 1,000 square yards, and the difference favorable to the District, allowing labor \$1.25 per day.

Table No. 3.

	Per day.	Per annum.
257 men, at \$1.25 per day.....	\$321. 25	\$93, 162. 50
33 horses and carts, at \$2.50 per day.....	82. 50	23, 925. 00
257 brooms, wear and tear, 5½ cents.....	13. 17	3, 819. 30
Other tools, bag carriers, etc.....	2. 00	580. 00
Actual cost.....	418. 92	121, 486. 80
Average cost per 1,000 square yards, 24.64 cents.		
1,700,000, at 32 cents.....	544. 00	157, 760. 00
1,700,000, at 24.64 cents.....	418. 92	121, 486. 80
Difference in favor of District.....	125. 08	36, 273. 20

Table No. 4.—Showing cost allowing labor at \$1.50 per day.

	Per day.	Per annum.
257 men, at \$1.50 per day.....	\$385. 50	\$111, 795. 00
33 horses and carts, at \$2.50 per day.....	82. 50	23, 925. 00
257 brooms, wear and tear, 5½ cents.....	13. 17	3, 819. 30
Other tools, bag carriers, etc.....	2. 00	580. 00
Actual cost.....	483. 17	140, 119. 30
Average cost per 1,000 square yards, 28.42 cents.		
1,700,000 square yards, at 32 cents.....	544. 00	157, 760. 00
1,700,000 square yards, at 28.42 cents.....	483. 17	140, 119. 30
Difference in favor of District.....	60. 83	17, 640. 70

The foregoing tables show the cost at the different ratings to do this class of work under contract, the cost if done under direct control of the District, and the favor in our favor.

The estimated amount required to do all classes of work under the present contract for the fiscal year is \$210,639. Amount required if the District did its own work, allowing \$1 per day for labor, is \$162,493. On the \$1.25 basis we would require \$181,125, and on \$1.50 basis \$199,758. On this basis a saving of \$10,881 is shown, and I think it has been clearly demonstrated that if the hand system is adopted and the entire city cleaned by day labor, under direct control of the Commissioners, the District will not only save money, but better results will be attained and the deserving poor of the city given an opportunity to earn a living, in place of being kept on public charity.

Very respectfully,

WARNER STUTLER,
Superintendent.

Hon. JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

BOOK AGENTS OF THE METHODIST EPISCOPAL CHURCH
SOUTH.

FEBRUARY 7, 1898.—Ordered to be printed.

Mr. PASCO, from the Committee on Claims, submitted the following
REPORT.

[To accompany H. R. 4829.]

The Committee on Claims, to whom was referred the bill (H. R. 4829) for relief of the Book Agents of the Methodist Episcopal Church South, have given careful consideration to the same and submit the following report thereon:

This claim has been before Congress for a quarter of a century. It was first introduced in the Senate during the Forty-second Congress and several favorable reports have been made upon it from time to time by the Committee on Claims, to whom it has been referred whenever a bill has been introduced for its settlement. The claim is for the use of the publishing house of the Methodist Episcopal Church South, at Nashville, Tenn., including the grounds, buildings, machinery, and material, during the latter part of the late war.

The merits of the case are fully set forth in a petition of the book agents addressed to the two Houses of Congress in December 1875, which is here inserted as a part of this report.

PETITION OF THE BOOK AGENTS OF THE METHODIST EPISCOPAL CHURCH SOUTH TO
THE CONGRESS OF THE UNITED STATES.

To the honorable the Senate and House of Representatives of the United States:

Your petitioners beg leave respectfully to represent to your honorable bodies that the Southern Methodist Publishing House, situate in Nashville, Tennessee, was chartered by the legislature of that State the 26th of February, 1856, under the name and style of the "Book Agents of the Methodist Episcopal Church South." A copy of the charter, herewith submitted, will show that the said house is different from ordinary corporations in this, that it has no stock or shareholders, or any personal or individual interests whatever, but is a mere privilege to publish and sell books, etc., by or on behalf of said church.

The capital with which said house commenced business was mainly the share which fell to this church of several funds belonging to the Methodist Episcopal Church on the division of said church in 1844, awarded pro rata by the Supreme Court of the United States, and which funds amounted to something over \$400,000. To this was added large private donations in money and other property, by bequest and otherwise, and also two smaller publishing establishments of said church at Richmond, Va., and Louisville, Ky. Thus set agoing, the house continued to do a respectable and increasing business.

It might be well for us to state that our buildings were of stone and brick, among the best, and one of the best sites in the city, from four to seven stories high, fronting 80 feet by 212 deep, with a wing fronting 120 feet on another street, and about 50 feet deep.

The house is strictly a charity for the dissemination of literary, scientific, and religious knowledge among the millions that come within its influence of all classes and races, particularly the young and illiterate.

In addition to the ordinary implements and machinery of a printing and publishing manufactory, the remoteness of Nashville from the Northern cities caused the managers of this institution to possess themselves of large iron lathes, and other implements constituting a machine shop, for turning and handling heavy iron for manufacture or repairs of presses and other machinery of the establishment.

In 1862 the Army needed these lathes, etc., and, with the consent of the agent, took and used them until the close of the war; and early in 1863 the Army found it necessary to have a job office at the front for printing, which was ordered from our house, and to which was added various other lots of printing material at different times. These supplies were furnished as required by the general in command. Toward the close of 1863, the necessities of the Army for printing and binding, etc., having increased very much beyond all expectation, and in the then condition of the country it being impracticable to procure suitable supplies from the North, Major-General Thomas, then commanding, took possession of our entire establishment, with all its buildings, machinery, paper, types, ink, stationery, books, etc., and property of every kind. The actual possession was taken with but three hours' notice, so that there was no possible opportunity to take even the most cursory inventory of the property. So great was the stress of the Army for shelter in bad winter weather that our large stores and warehouses, filled with costly books and stationery, had to be emptied in a day to make room for large quantities of leather, saddlery, and medical stores. It was at the time impracticable for the Army to find shelter in the city for all Government stores, so that the taking of the establishment was solely the result of the necessities of the Army, the same as many similar instances in the city. We were informed, and believe, it was not the intention to interfere with these buildings and their contents, if it could be avoided, and they were suffered to remain till a very late period, but the necessity came with the arrival of large valuable army supplies; and though the agent in charge believes the army officers took all reasonable measures to prevent loss of property, it was impossible to do so. It will be observed that our entire property passed immediately and absolutely into the possession of the Government.

At the end of two years what was left of the property unconsumed was returned to us very much broken and damaged. The reason why the machinery was worn, broken, and used up beyond ordinary wear is explained by the testimony of the engineers as being caused by the necessity of the Army, the machinery being pushed far beyond its capacity, and subjected to kinds of work for which it was not intended. The buildings themselves were also considerably modified and changed to meet the necessities of the Government. One entire store was torn down and removed, and considerable other changes made in the interior of the buildings for the use of the Army.

Under these circumstances we were a little at a loss how to state an account in the ordinary positive form against the Government, but thought it best to relate the facts in this form, support them by testimony, and leave them before your honorable bodies, believing, as we confidently do, that you will do us ample justice. So we herewith present the testimony, as, fortunately for both parties, we are able to do, of every engineer, head printer, and head clerk in the different departments of the establishment, together with that of the agent in charge of the house at the time, and who is now before Congress in this petition, authorized to settle the matter with the Government. These witnesses comprise every man who did or could possess valuable information in the premises. We also present the testimony of officers of Government, well known in Washington, who fully indorse the good character of these gentlemen. It will be seen that each man testifies of matters in his own hands, and of which he had the best knowledge that could exist. It will be seen that the character of these witnesses for truth and veracity is above question. From this testimony the claim will sum up as follows:

Rent of real estate, two years, \$15,000 per annum, the property being valued at \$150,000, 10 per cent per annum.....	\$30,000
Rent of machinery, presses, etc., 25 per cent per annum on the valuation, \$312,000, two years, \$78,000 per annum.....	156,000
Use of three iron lathes, \$17 per week, one hundred weeks.....	5,100
Injury and consumption of machinery, presses, type, etc., 50 per cent on valuation.....	156,000
Front store torn down.....	5,000
Stereotype materials, etc., consumed.....	4,550
Job office, etc., carried to the front, and stock with it.....	5,500
Belting worn out.....	750
Merchandise in front stores used and destroyed.....	90,000
Injury by alterations of buildings internally.....	5,500
	458,400

The delay in the presentation of this claim was unavoidable. The entire business is under the direction of the general conference, which meets only quadrennially. At its session in 1866 we were advised by counsel to let the matter rest until the affairs of the country would become more settled. At the conference of 1870 an agent was appointed to present the claim, but his failing health and inability to spend the necessary time in Washington caused further delay, when the present agent was appointed. The claim was presented to the second session of the Forty-second Congress, in December, 1872, but we could not get a report from either of the committees of that session. On the assembling of the Forty-third Congress our petition was in the hands of the House of Representatives on the day of its organization, but we utterly failed to get a report from the Committee on War Claims, to which it was referred, until one or two days before the close of the first session. Then we have four different reports—one of them stating little else than that the case had not been fully examined by the committee; another, that it was inexpedient now to pay the claim; and one favorable and one unfavorable, for reasons stated. In the second session of the last Congress it is well known that little or no business of this character was acted upon, nor could we get our claim before the House.

The report of the honorable chairman of the Committee on War Claims in our case was adverse; but neither in this report nor elsewhere have we ever heard of any objection to any of the commercial or accounting aspects of our claim. The objections are of a strictly legal nature, denying our right to compensation at all for anything, because of alleged disloyalty to the Government on the part of certain individual members of the church which is the virtual owner of this publishing house. There are some other things in this report which we regarded as both unjust and remarkable, and which caused us to print an explanatory reply, which we beg leave to submit herewith, and to which we respectfully ask attention.

We also present herewith a legal argument prepared by our counsel on the subject, which was asked for by the committee, and which we have no doubt will have proper attention at the hands of Congress.

Before this case was presented we were advised of the possibility that objections of the class brought forward by the honorable chairman of the War Claims Committee might be set up; and to present, as we thought, an effectual estoppel to all and any objections of that nature, we presented testimony of a general convention of the church held in Louisville, Ky., in April, 1864, and of the action thereupon of the regular general conference of the church, held in New Orleans, in April, 1866. While we know full well that it were unreasonable to predicate disloyalty of a corporation, we deemed it proper to show that whatever might be said of individuals, many or few, acting each on his own responsibility, the church took care, under the advice of counsel, to advertise to the world, in the best manner possible, its unchanged relation to the United States, and the steadfast pursuit of its one exclusive business of propagating morality and religion, and to take no part whatever in any civil or political questions. To this doctrine the church had long since committed itself.

We respectfully and earnestly ask that this matter be examined into at the earliest convenience of Congress, and the amount found to be fairly due be paid. And in this appeal we beg leave to add that we represent not only the national integrity and honor, but the anxious and earnest expectations of more than five millions of the American people.

R. ABBEY,

Agent of Book Agents Methodist Episcopal Church South.

WASHINGTON, December 1, 1875.

The statements made by Mr. Abbey as to the value of the property and the diminution in its value during the time it was used and occupied by the United States are supported by affidavits in the record.

When the United States forces entered Nashville in February, 1862, the property was in the undisturbed possession of Mr. Abbey and was being used for its legitimate purposes, in the interests of the Methodist Church South. General Buell was in command of the Department of the Ohio at this time, and when he established his headquarters at Nashville he issued a general order, in which he expressly stated that if the necessities of the public service should require the use of private property compensation should be allowed. The following extract from this general order announced the policy of the Government, in carrying on the war against the States which had passed their ordinances of secession, toward the inhabitants of the sections of country occupied by the national armies.

The general does not deem it necessary, though the occasion is a fit one, to remind his troops of the rule of conduct they have hitherto observed and are still to pursue. We are in arms, not for the purpose of invading the rights of our fellow-countrymen anywhere, but to maintain the Union and protect the Constitution, under which its people have been prosperous and happy. We can not look with indifference on any conduct which is designed to give aid and comfort to those who are endeavoring to defeat those objects; but the action to be taken in such cases rests with certain authorized persons, and is not to be assumed by individual officers and soldiers. Peaceable citizens are not to be molested in their personal property. All wrongs to either are to be promptly corrected and the offenders brought to punishment. To this end all persons are desired to make complaint to the immediate commander of officers or soldiers so offending, and if justice be not done promptly then to the next commander, and so on until the wrong is redressed. If the necessities of the public service should require the use of private property to public uses, compensation is to be allowed. No such appropriation of private property is to be made except by the authority of the highest commander present, and any other officer or soldier who shall presume to exercise such privilege shall be brought to trial.

From the time of the occupation of Nashville by the United States forces the circuit and district courts held their regular sessions and exercised their usual jurisdiction, and a libel of information was filed in the United States circuit court to condemn and confiscate this church property. The proceedings in this case were pending until November, 1865, when the attorney who represented the United States announced that by direction of the Attorney-General he would not further prosecute it, and an order was made by the court dismissing the information and ordering that the property be restored to the owners.

When the property was taken by the United States marshal by virtue of the writ issued in this case a forthcoming bond was given by Mr. Abbey for its delivery, if so ordered by the court, on the final hearing of the cause, and upon giving this bond he retained the possession of the property until it was seized under a military order for the purpose of using the office for doing all sorts of printing for the Army. This order was dated December 28, 1863, and the property was held and used by the Government until the latter part of 1865, when by proper authority it was restored without conditions to the book agents.

It is for the rent and use of the property during this period, the consumption of materials, the wearing out of the machinery, injury to the buildings by alterations and otherwise, and its destruction and depreciation while in the possession of the Government that compensation is sought. The amount of the various items coming under these heads, which are set forth in the petition of the book agents, is \$458,400; but the bill provides for the payment of but \$288,000, and this will not more than cover the items for the rent and use of the property and the materials and property actually used and consumed. If relief to this amount is granted, the loss to the publishing house will still be great, but it is understood that the book agents are willing to accept this sum in full satisfaction of the claim, and the bill provides that it shall be paid to them only upon this condition.

The committee reported during the Fifty-fourth Congress in favor of referring the case to the Court of Claims, with power to render a judgment against the United States for whatever sum might be found to be justly due the claimants, and a bill authorizing such reference was passed by the Senate, but it was not acted upon by the House of Representatives. The same recommendation was made by the committee during the first session of the present Congress, and again the Senate acted favorably, but instead of passing the Senate bill, the House passed the bill under consideration, providing for the settlement of the claim by the payment of a fixed sum. The claimants prefer this settlement. If successful in a suit before the Court of Claims, it seems

highly probable that they would recover more than the proposed sum of \$288,000, but they desire to avoid the delay, expense, and hazard of protracted litigation with the Government. Besides, the beneficent work of this great charity is hindered and hampered by the want of this portion of their capital, and their immediate wants call for its early restoration.

It was very natural that there should have been a strong prejudice against claims of this character during the period which immediately succeeded the late war between the States, but in later years a more liberal spirit has prevailed, and there has been a recognition of the laws of civilized warfare which exempt institutions of learning, of religion, and charity from hostilities. Without admitting the liability of the Government for all injuries to such property, committed either by its authority or wantonly by those in its employ, relief has been given in many cases by appropriations of suitable amounts from the national Treasury.

This publishing house, which is being conducted by the book agents, who are the claimants, was established for the dissemination of religious knowledge and useful literary and scientific information in the form of cheap books, tracts, and periodicals, according to the church discipline. Its profits are appropriated to no other purpose than for the benefit of the traveling, supernumerary, superannuated, and worn-out preachers, and their wives, widows, and children. If the claim were for reparation for injuries and destruction resulting from the hostilities of war, this case would present merits not inferior to others which have heretofore been acted upon favorably.

But this case appeals not only to the generosity of the Government, but to a sentiment of justice. The publishing house was the largest printing establishment south of New York at the beginning of the late war, excepting only the Government Printing Office at Washington; its use was of great importance to the Government; a vast amount of printing was done there at a large saving to the Treasury, and the payment of the sum proposed in the bill will be a fair reimbursement to the claimants for the use and consumption of their property.

Under all the circumstances of the case, the committee recommend the payment of the claim and recommend that the bill do pass.



FORT MEADE, S. DAK.

FEBRUARY 7, 1898.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1589.]

The Committee on Military Affairs, having had under consideration Senate bill No. 1589, beg leave to report the same favorably, with the recommendation that it do pass.

Fort Meade is the only military post in the State of South Dakota. It was selected by Gen. Phil. Sheridan, one of the ablest of cavalry officers, and by him pronounced to be the best strategic point for a military post in the entire northwestern territory.

He declared the location to be ideal for cavalry, and recommended to the Government that it be made a permanent post.

Fort Meade is situated at the doorway of the Black Hills of South Dakota, which are in an isolated part of the State and country and are entirely without State troops. Its location is in the healthiest part of the Northwestern States, proof of which is found in the report of the Government inspector, showing the excellent health of the troops, and that of the Government veterinary surgeon as to the fine condition of the horses there, it being remarked that horses brought from the East and South to this altitude soon develop greater powers of endurance and stronger lung power.

As a basis for military movements this post occupies the best point in the Dakotas, Nebraska, Wyoming, or Montana, being centrally located with relation to all the Western Indian reservations, and in case of Indian hostilities troops from Fort Meade can quickly reach any point of trouble in any of the five States named. The white population of the territory surrounded by these Indian reservations is about 30,000, as against 40,000 Indians on the reservations in question. The Northwestern Railway passes through Sturgis, 1½ miles from Fort Meade, and connects with the Burlington and Missouri Railway at Deadwood, 13 miles distant.

Fuel, grain, hay, and provisions and all other military supplies can be procured cheaper in the vicinity of this post than in most other parts of the country. The source of water supply to the fort is in the mountains and beyond the possibility of future contamination. It is inexhaustible in quantity and of purest quality. In support of its purity, attention is invited to the official analysis of the analytical chemist of the Surgeon-General at Washington, Dr. Mew, who concludes by saying: "It is of exceptional purity, and it is not too much to say

that a community supplied with such water is in the possession of a blessing." (A copy of said official analysis of this water is hereto annexed, marked Exhibit A.)

The State of South Dakota has within its borders 25 per cent of all the uncivilized Indians in the United States, there being from 20,000 to 25,000 in South Dakota alone, and these Indians are probably the least civilized and the most restive and troublesome of the Government's wards, and it may be added that their numbers have not diminished since the battle of Wounded Knee.

The Indian troubles in recent years have shown that the South Dakota Indians make frequent visits to the Indians in Montana to indulge in their dances and have their Indian councils, which generally precede trouble. The trail traveled by them in making these periodical visits lies between Fort Meade and the north line of South Dakota, through a country fairly populated, and the presence of troops at Fort Meade is very necessary to the exercise of proper surveillance over these Indians while on the trail, thus preventing depredations, and, perhaps, more serious trouble.

The isolated settlements of stockmen and their families in western South Dakota, eastern Wyoming, and Montana, and their extensive cattle ranges bordering on the several Indian reservations, make it almost imperative that there be a permanent military post, with abundant troops, in just such a location as we find Fort Meade. The recent rounding up of 3,000 head of these cattle by the Sioux Indians, who demanded \$1 per head for their ransom, lends strong emphasis to this statement. Again, troops at this point should be maintained by reason of the numerous United States mail routes in western South Dakota

EXHIBIT A.

WASHINGTON, D. C., *September 13, 1892.*

MY DEAR SIR: I send herewith my report on the water samples you sent me, the results being given in tabular form below. An inspection of this table shows the water in both samples to be entirely free from organic matter. In "A" the mineral matter is in excess, which renders it unfit for domestic uses. In "B" it is very much less and within the limits required. It is not too much to say that the sample is of exceptional purity, and a community supplied with it would be in possession of a blessing.

In the table the water in the one bottle is called "A," that in the other three bottles "B".

The results are stated in parts per 100,000 parts.

B.

Nitrates	None.
Nitrites.....	None.
Chlorine.....	0.5
Free ammonia	0.00025
Albuminoid ammonia	None.
Oxygen required.....	None.
Total solids.....	29

B.—HARDNESS.

Temporary	25
Permanent.....	15

Very truly, yours,

H. M. MEW, *Analytic Chemist.*

NOTE.—The analysis of "A" is not given above, as it was creek water and with no particular bearing upon this matter.

AMENDING SECTION 4813, REVISED STATUTES.

FEBRUARY 8, 1898.—Ordered to be printed.

Mr. TILLMAN, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 3013.]

Section 4813 of the Revised Statutes, which this bill amends, provides that—

Whenever any naval officer, seaman, or marine entitled to a pension is admitted to a naval hospital, the pension, during his continuance in the hospital, shall be paid to the Secretary of the Navy and deducted from the account of such pensioner.

Section 4810 (Rev. Stat.) reads:

The Secretary of the Navy shall procure at suitable places proper sites for naval hospitals, * * * and shall provide at one of the establishments a permanent asylum for disabled and decrepit navy officers, seamen, and marines.

This section gave authority for establishing the naval home at Philadelphia, Pa.

Section 5 of an act approved February 26, 1811, shows that the pensions of the inmates of the asylum (home) were paid to the fund from which the expenses of the asylum (home) were paid. This was both equitable and just, so long as the naval asylum and pension fund constituted a consolidated one. And this was the case until 1869. The naval appropriation bill for the year ending June 30, 1870, and approved March 1, 1869, provided—

That this appropriation and all amounts hereafter appropriated for the support of the naval asylum (home) at Philadelphia, the beneficiaries therein, the pay of officers, repairs, contingent and other expenses shall be charged to and paid from the income of the naval pension fund.

Section 4755 (Rev. Stat.) enacted that—

The naval pensions shall be paid from the navy pension fund, but no payments shall be made therefrom except upon appropriations authorized by Congress.

By these provisions (sec. 5, act of Feb. 26, 1811; act of Mar. 1, 1869; sec. 4755, Rev. Stat.), a pension of a beneficiary of the naval home is turned over to the naval hospital fund, which is not used in support-

ing the naval home. The Secretary of the Navy, in a letter to the chairman of the naval committee, says:

A very considerable fund is thus transferred from the pension fund to the credit of the naval hospital fund, the former being depleted and the latter correspondingly augmented by this practice. The report of the governor of the home shows that during the fiscal year ending June 30, 1897, no less than \$17,678.63 was thus credited to the naval hospital fund on account of beneficiaries residing in the home.

As the naval hospital fund is entirely separate and distinct from the naval pension fund, the home at Philadelphia being supported from the latter fund, your committee recommend a favorable report as to this bill, so that hereafter the pensions of beneficiaries of the home will go to the pension fund and not to the hospital fund as at present.



MONUMENT TO SAMUEL HAHNEMANN.

FEBRUARY 8, 1898.—Ordered to be printed.

Mr. WETMORE, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. R. 48.]

The Committee on the Library, to whom was referred the joint resolution (S. R. 48) entitled "Joint resolution granting permission for the erection of a monument in Washington, District of Columbia, for the ornamentation of the national capital and in honor of Samuel Hahnemann," report it back favorably with an amendment.

The committee propose to amend the joint resolution by inserting in line 7, after the word "Columbia," the words "other than the Capitol or Library grounds."

A similar joint resolution passed the Senate and House of Representatives in the first session of the Fifty-fourth Congress, but too late to receive the approval of the President.

Reference is made to the annexed report from the Committee on the Library of the House in the Fifty-fourth Congress.

[House Report No. 2131, Fifty-fourth Congress, first session.]

The Committee on the Library, to which was referred the joint resolution (S. R. 27) relating to the erection of a statue to Samuel Hahnemann, report that it has had said resolution under consideration, and report it back to the House with a recommendation that it do pass.

The following sketch of Hahnemann will indicate the greatness of his character, his remarkable achievements as a scholar, and the beneficent results that have followed his labors in medicine:

He was born at Meissen, Saxony, April 10, 1755. His elementary studies under the guidance of his parents were made an amusement. As his father was strongly opposed to his receiving a university education, his later studies were pursued under most discouraging conditions, but with extraordinary success. In his twelfth year he was appointed instructor in the rudiments of the Greek language. At 20 he was a thorough master of six languages—German, French, English, Italian, Latin, and Greek—and was able to support himself at the university at Leipsic by giving instruction in some of them and translating therefrom into the German. He subsequently became proficient in Arabic, Syriac, Chaldaic, and Hebrew. His medical

studies were pursued at the famous centers of learning in Europe. He graduated in medicine with special honors at Erlangen in 1779. He was a member of various scientific societies in Leipsic and other cities, and was highly honored for his researches in chemistry. He was well versed even in those branches of science unconnected with medicine.

Although undergoing many hardships on account of his advanced views, he did not fail of recognition at the hands of the Government. While yet a young man he was made surgeon in chief of the hospital in Dresden, and later superintendent of the insane asylum at Georgenthal, where he inaugurated the mild and humane methods of treating the insane which prevail at this day. In 1812 he was admitted to the faculty of medicine in the University of Leipsic, where he lectured for many years. In 1822 he was created hofrath, or councilor of state.

One of the greatest boons ever conferred upon mankind was the discovery by Hahnemann of an underlying principle of drug action which adds immeasurable certainty to the administration of medicine in disease. This was announced in 1796 in a paper entitled "A new principle for ascertaining the remedial powers of medicinal substances," and ushered in the great reform in medicine that has distinguished this century. He not only discovered a constant relationship between drugs and disease, leading to a more scientific use of medicine, but also with consummate skill pointed out the errors and dangerous practices in medicine which prevailed. He has thus directly and indirectly been the means of an enormous saving of human life, entitling him to the gratitude of mankind and placing him in the forefront of medical reformers. This distinguished place in medicine is not only assumed by his adherents, but is frankly admitted by distinguished medical men not of his school of practice, as will be observed by the following quotations:

Sir John Forbes, physician in ordinary to the Queen, writes:

"No careful observer of his actions or candid reader of his writings can hesitate for a moment to admit that he was a very extraordinary man, one whose name will descend to posterity as the exclusive excogitator and founder of an original system of medicine, as ingenious as many that preceded it, and probably destined to be the remote, if not the immediate, cause of more important fundamental changes in the practice of the healing art than have resulted from any promulgated since the days of Galen himself. He was undoubtedly a man of genius and a scholar; a man of indefatigable industry and of dauntless energy."

John Syre Bristowe, M. D., in an address on medicine before the British Medical Association, says:

"That he had learning and ability and the power of reasoning, is abundantly clear. He saw through the prevalent therapeutic absurdities and impostures of the day; he laughed to scorn the complicated and loathsome nostrums which even at that time disgraced pharmacopœias, and he exposed with no little skill and success the emptiness and worthlessness of most of the therapeutical systems which then and theretofore prevailed."

Dissatisfied with the recorded effects of medicinal substances as not sufficiently accurate, he began to ascertain on his own person the effects of various drugs, well knowing the danger to his health and life by doing so. Later he gathered about him others willing to make the sacrifice. Some idea of the colossal task he accomplished can be formed when it is known that his works on *materia medica* include original provings of 90 different medicines. "When," he writes, "we have to do with an art whose end is the saving of human life, any neglect to make ourselves thoroughly masters of it becomes a crime."

Of his industry we may form some opinion from the fact that he wrote upward of 70 original works on chemistry and medicine, and translated 24 from the English, French, Italian, and Latin on chemistry, medicine, agriculture, and general literature, besides attending to a large practice, of which he kept a careful record. He was a good botanist, acquainted with astronomy, meteorology, and geography, and withal a classical scholar.

Such is, in brief, the life of the man whose work has marked an important era in the history of medicine.

That he is deserving of a statue to his memory in the Capitol of the United States does not admit of question.

Such statue the homeopaths of the United States propose to furnish at a cost of about \$75,000.

Your committee think that there should be no hesitation or delay on the part of the United States in accepting it.

OLE STEENSLAND.

FEBRUARY 9, 1898.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

ADVERSE REPORT.

[To accompany S. 1066.]

The Committee on Pensions, to whom was referred the bill (S. 1066) granting a pension to Ole Steensland, have examined the same and respectfully report:

This soldier made application for pension under the general law June 3, 1892, alleging crippled feet and strained back caused by pitching hay. An examination of the soldier's feet showed that, whatever may have been the cause thereof, there is now no ratable disability. As to the alleged strained back, it may be said that pitching hay after discharge was no part of his military service. The claim for pension under the general law was therefore properly rejected.

The soldier also applied for pension under the act of June 27, 1890, alleging bad feet and stiff ankle joints, so that he can not stand much walking; headache and dizziness; also troubled with heart disease—has to be careful.

A. McKellar, a physician of Blanchardville, Wis., makes affidavit that he knew the soldier seven years, and during that time treated him twice; first, in January, 1892, for nervous disease of the heart, which becomes worse on physical exertion; that he also suffers from vertigo as a result of the heart difficulty. Affiant also treated him for muscular rheumatism in March, 1892.

Gulbrais A. Dahl, a farmer and neighbor of the soldier, testifies that he has heard the soldier complain of crippled feet and lame back, and don't think he is able to do any hard work.

The soldier has had medical examinations by two different examining boards, and the allegations of disability are substantially negatived in every particular. It is shown that there is no visible injury to the feet; no evidence that nervous system is in any way affected; no crepitation, tenderness, enlargement of joints, or other indications of rheumatism; lungs, liver, and spleen normal; body exceedingly well nourished.

Your committee is of the opinion that the soldier has failed to show himself disabled in a pensionable degree, either under the general law or the act of June 27, 1890, and therefore report the bill back, with the recommendation that it do not pass.

INDIAN APPROPRIATION BILL.

FEBRUARY 9, 1898.—Ordered to be printed.

Mr. ALLISON, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 6896.]

The Committee on Appropriations, to whom was referred the bill (H. R. 6896) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes, having considered the same, report the bill to the Senate and present herewith a statement showing amount of the estimates for this service for the fiscal year 1899, the amount provided by the House bill, the amount recommended by the Senate committee, and the amount of the appropriations for the fiscal year 1898.

INDIAN SERVICE, 1899.

Amount of estimates for 1899.....	\$7, 375, 617. 08
Supplemental estimates.....	63, 000. 00
Total estimates	7, 438, 617. 08
Amount of bill as passed the House.....	7, 517, 454. 90
Increase recommended by committee (net).....	148, 073. 00
Amount as reported to the Senate.....	7, 665, 527. 90
Amount of act for 1898.....	7, 674, 120. 89

The changes in amounts of House bill recommended by the committee are as follows:

INCREASE.

Indian agent at Round Valley, Cal.....	\$1, 500. 00
Indian inspectors and expenses.....	12, 300. 00
Mexican Kickapoos in Oklahoma.....	3, 000. 00
Big Jim Band of Absentee Shawnee Indians in Oklahoma.....	2, 000. 00
Flandreau, S. Dak., school.....	20, 000. 00
Grand Junction, Colo., school.....	1, 000. 00

Salem, Oreg., school.....	\$19,000.00
Sac and Fox Reservation, Iowa, school.....	1,500.00
Five Civilized Tribes Commission.....	5,000.00
Puyallup Indian Commissioner.....	2,000.00
Crow, Flathead, etc., Commission.....	5,000.00
Resurvey of Klamath Indian Reservation, Oreg.....	12,000.00
Surveys of Cheyenne River and Standing Rock Indian Reservations, S. Dak.....	25,000.00
Printing digest of decisions relating to Indian affairs.....	9,173.00
Continuing work on Indian depredation claims.....	4,600.00
For counsel for Pueblo Indians, of New Mexico.....	2,000.00
For representation of Indian tribes at the Omaha Exposition.....	45,000.00
Total increase.....	170,073.00

REDUCTION.

Irrigation of the Sacaton Reservation, in Arizona.....	20,000.00
Appraisal, etc., of reservations of the Pottawatomie tribe of Indians and Kickapoo tribe of Indians, in Kansas.....	2,000.00
Total reduction.....	22,000.00
Net increase.....	148,073.00
Amount as reported to Senate.....	7,665,527.90

Comparative statement showing the appropriations for 1898, the estimates for 1899, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1899.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate committee, 1899.
CURRENT AND CONTINGENT EXPENSES.				
Indian agents.....	\$86,500.00	\$86,500.00	\$85,000.00	\$86,500.00
Interpreters.....	12,000.00	12,000.00	12,000.00	12,000.00
Indian inspectors, pay and traveling expenses.....	19,500.00	20,500.00	20,500.00	32,800.00
Indian school superintendent:				
Pay.....	3,000.00	3,000.00	3,000.00	3,000.00
Traveling expenses.....	1,500.00	1,500.00	1,500.00	1,500.00
Clerk to.....	1,000.00	1,000.00	1,000.00	1,000.00
Buildings at agencies and repairs.....	30,000.00	30,000.00	30,000.00	30,000.00
Contingencies of the Indian service.....	40,000.00	40,000.00	40,000.00	40,000.00
Payment of farmers and stockmen.....	65,000.00	65,000.00	65,000.00	65,000.00
Pay of Indian police.....	135,000.00	135,000.00	135,000.00	135,000.00
Pay of judges of Indian courts.....	12,540.00	12,540.00	12,540.00	12,540.00
Pay of matrons.....	15,000.00	15,000.00	15,000.00	15,000.00
Telegraphing and purchase of Indian supplies.....	40,000.00	45,000.00	45,000.00	45,000.00
Transportation of Indian supplies.....	275,000.00	300,000.00	300,000.00	300,000.00
Vaccination of Indians.....	1,000.00	1,000.00	1,000.00	1,000.00
Expenses of Indian Commission.....	4,000.00	4,000.00	4,000.00	4,000.00
Total current and contingent expenses.....	741,040.00	772,040.00	770,540.00	784,340.00
FULFILLING TREATY STIPULATIONS.				
Apaches, Kiowas, and Comanches.....	46,700.00			
Cheyennes and Arapahoes.....	36,000.00			
Chickasaws.....	3,000.00	3,000.00	3,000.00	3,000.00
Chippewas of the Mississippi.....	5,000.00	5,000.00	5,000.00	5,000.00
Chippewas in Minnesota (reimbursable).....	265,000.00	265,000.00	270,000.00	270,000.00
Choctaws.....	30,032.89	30,032.89	30,032.89	30,032.89
Cœur d'Alenes.....	11,500.00	11,500.00	11,500.00	11,500.00
Columbias and Colvilles.....	7,000.00	7,000.00	7,000.00	7,000.00
Creeks.....	49,968.40	49,968.40	49,968.40	49,968.40
Crows.....	78,000.00	78,000.00	78,000.00	78,000.00
Fort Hall Agency Indians.....	6,000.00	6,000.00	6,000.00	6,000.00
Blackfeet Agency Indians.....	150,000.00	300,000.00	300,000.00	300,000.00
Fort Belknap Agency Indians.....	115,000.00	360,000.00	360,000.00	360,000.00
Fort Peck Agency Indians.....	165,000.00			
Fort Berthold Agency Indians.....	80,000.00	80,000.00	80,000.00	80,000.00
Iowas.....	2,875.00	2,875.00	2,875.00	2,875.00
Iowas in Oklahoma.....	3,000.00	3,000.00	3,000.00	3,000.00
Kansas.....	6,750.00	6,750.00	6,750.00	6,750.00
Kickapoos.....	4,087.83	3,412.17	4,374.99	4,374.99
Molels.....	3,000.00	3,000.00	3,000.00	3,000.00

Comparative statement of appropriations for 1898, estimates for 1899, etc.—Cont'd.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate committee, 1899.
FULLFILLING TREATY STIPULATIONS—cont'd.				
Nez Perces.....	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00
Northern Cheyennes and Arapahoes.....	111,000.00	116,000.00	116,000.00	116,000.00
Osages.....	3,456.00	3,456.00	3,456.00	3,456.00
Pawnees.....	47,100.00	47,100.00	47,100.00	47,100.00
Pottawatomies.....	20,647.65	20,647.65	20,647.65	20,647.65
Quapaws.....	1,500.00	1,500.00	1,500.00	1,500.00
Sacs and Foxes of the Mississippi.....	51,000.00	51,000.00	51,000.00	51,000.00
Sacs and Foxes of the Missouri.....	8,070.00	8,070.00	8,070.00	8,070.00
Seminoles.....	28,500.00	28,500.00	28,500.00	28,500.00
Senecas.....	3,690.00	3,690.00	3,690.00	3,690.00
Senecas of New York.....	11,902.50	11,902.50	11,902.50	11,902.50
Shawnees, Eastern.....	1,030.00	1,030.00	1,030.00	1,030.00
Shoshones and Arapahoes in Wyoming.....	10,000.00	10,000.00	10,000.00	10,000.00
Shoshones and Bannocks.....	26,000.00	26,000.00	26,000.00	26,000.00
Six Nations of New York.....	4,500.00	4,500.00	4,500.00	4,500.00
Sioux of different tribes, including Santee Sioux of Nebraska.....	1,507,000.00	1,487,000.00	1,487,000.00	1,487,000.00
Sioux, Yankton tribe of.....	50,000.00	50,000.00	50,000.00	50,000.00
Sisseton and Wahpeton Indians.....	18,400.00	18,400.00	18,400.00	18,400.00
Spokanes.....	7,200.00	7,200.00	7,200.00	7,200.00
Utes, confederated bands of.....	83,740.00	83,740.00	83,740.00	83,740.00
Utes, Southern, in Colorado.....	5,000.00	-----	-----	-----
Winnebagoes.....	44,162.47	44,162.47	44,162.47	44,162.47
Total fulfilling treaty stipulations.....	3,117,812.74	3,244,437.08	3,250,399.90	3,250,399.90
MISCELLANEOUS SUPPORTS.				
Apaches, Kiowas, Comanches, Wichitas, and affiliated bands.....	100,000.00	100,000.00	100,000.00	100,000.00
Cheyennes and Arapahoes.....	90,000.00	90,000.00	90,000.00	90,000.00
Chippewas of Lake Superior.....	7,125.00	7,125.00	7,125.00	7,125.00
Chippewas of Red Lake and Pembina tribe.....	10,000.00	10,000.00	10,000.00	10,000.00
Chippewas on White Earth Reservation.....	10,000.00	10,000.00	10,000.00	10,000.00
Chippewas, Turtle Mountain band.....	13,000.00	13,000.00	13,000.00	13,000.00
Confederated tribes in middle Oregon.....	6,000.00	6,000.00	6,000.00	6,000.00
Digger Indians of California.....	3,900.00	-----	-----	-----
D'Wamish and other allied tribes in Wash- ington.....	7,000.00	7,000.00	7,000.00	7,000.00
Flatheads, Carlos's band.....	10,000.00	10,000.00	10,000.00	10,000.00
Flatheads and other confederated tribes.....	10,000.00	10,000.00	10,000.00	10,000.00
Hualpais in Arizona.....	7,500.00	7,500.00	7,500.00	7,500.00
Apaches and other Indians in Arizona and New Mexico.....	225,000.00	225,000.00	225,000.00	225,000.00
Fort Hall Reservation Indians.....	30,000.00	30,000.00	30,000.00	30,000.00
Lemhi Agency Indians, Idaho.....	13,000.00	13,000.00	13,000.00	13,000.00
Klamath Agency Indians, Oregon.....	5,000.00	5,000.00	5,000.00	5,000.00
Kansas Indians, Oklahoma Territory.....	2,500.00	2,500.00	2,500.00	2,500.00
Kickapoos, Oklahoma Territory.....	5,000.00	5,000.00	5,000.00	5,000.00
Mexican Kickapoos, Oklahoma Territory.....	-----	-----	-----	3,000.00
Makahs, Washington.....	4,000.00	3,000.00	3,000.00	3,000.00
Big Jim band of Absentee Shawnees of Okla- homa.....	-----	-----	-----	2,000.00
Mission Indians, California.....	10,000.00	3,000.00	3,000.00	3,000.00
Modocs in Indian Territory.....	4,000.00	2,500.00	2,500.00	2,500.00
Nez Perces of Joseph's band.....	7,500.00	7,500.00	7,500.00	7,500.00
Nez Perces in Idaho.....	5,000.00	5,000.00	5,000.00	5,000.00
Poncas, Oklahoma, Nebraska, and South Dakota.....	15,000.00	15,000.00	15,000.00	15,000.00
Quinaliets and Quillehutes, Washington.....	3,000.00	1,000.00	1,000.00	1,000.00
Shoshones in Wyoming.....	20,000.00	20,000.00	20,000.00	20,000.00
Shoshones in Nevada.....	10,000.00	10,000.00	10,000.00	10,000.00
Seminoles in Florida.....	6,000.00	6,000.00	6,000.00	6,000.00
Sioux of Devils Lake, North Dakota.....	10,000.00	10,000.00	10,000.00	10,000.00
Sioux, Medawakanton band, Minnesota.....	5,000.00	5,000.00	5,000.00	5,000.00
S'Klallam Indians, Washington.....	1,500.00	-----	-----	-----
Tonkawas, Oklahoma Territory.....	4,000.00	3,000.00	2,000.00	2,000.00
Walla Walla, Cayuse, and Umatilla tribes, Washington.....	5,000.00	5,000.00	5,000.00	5,000.00
Yakamas and other Indians, Washington.....	8,000.00	8,000.00	8,000.00	8,000.00
Naalem band of Tillamook Indians, Oregon.....	10,500.00	-----	-----	-----
Total miscellaneous supports.....	683,525.00	655,125.00	654,125.00	659,125.00
GENERAL INCIDENTAL EXPENSES, INDIAN SERVICE.				
In Arizona.....	1,500.00	1,500.00	1,500.00	1,500.00
In California.....	21,000.00	21,000.00	21,000.00	21,000.00
In Colorado.....	1,500.00	1,500.00	1,500.00	1,500.00

Comparative statement of appropriations for 1898, estimates for 1899, etc.—Cont'd.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate committee, 1899.
GENERAL INCIDENTAL EXPENSES, INDIAN SERVICE—continued.				
In North Dakota	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
In South Dakota.....	3,500.00	3,500.00	3,500.00	3,500.00
In Idaho.....	1,000.00	1,000.00	1,000.00	1,000.00
In Montana.....	2,500.00	2,500.00	2,500.00	2,500.00
In Nevada.....	16,000.00	16,000.00	16,000.00	16,000.00
In New Mexico.....	1,500.00	1,500.00	1,500.00	1,500.00
In Oregon	12,000.00	12,000.00	12,000.00	12,000.00
In Utah.....	3,000.00	3,000.00	3,000.00	3,000.00
In Washington.....	14,000.00	14,000.00	14,000.00	14,000.00
In Wyoming.....	1,000.00	1,000.00	1,000.00	1,000.00
Total general incidental expenses	80,000.00	80,000.00	80,000.00	80,000.00
SUPPORT OF SCHOOLS.				
Indian day and industrial schools, support..	1,200,000.00	1,100,000.00	1,100,000.00	1,100,000.00
Construction, purchase, lease, and repair of school buildings, and purchase of school sites	200,000.00	200,000.00	200,000.00	200,000.00
Purchase of stock for schools.....	15,000.00	10,000.00	10,000.00	10,000.00
	1,415,000.00	1,310,000.00	1,310,000.00	1,310,000.00
At Albuquerque, N. Mex.....	55,300.00	55,300.00	68,300.00	68,300.00
At Chamberlain, S. Dak.....	29,900.00	18,400.00	19,900.00	19,900.00
At Cherokee, N. C.....	32,350.00	28,350.00	28,350.00	28,350.00
At Carlisle, Pa.....	111,600.00	111,600.00	111,600.00	111,600.00
At Carson City, Nev.....	29,350.00	29,350.00	29,350.00	29,350.00
At Chilocco, Okla.....	65,250.00	65,250.00	77,750.00	77,750.00
At Flandreau, S. Dak	44,900.00	49,900.00	49,900.00	69,900.00
At Fort Mohave, Ariz.....	43,550.00	31,550.00	31,550.00	31,550.00
At Fort Totten, N. Dak.....	48,350.00	48,350.00	48,350.00	48,350.00
At Genoa, Nebr	62,800.00	62,800.00	62,800.00	62,800.00
At Grand Junction, Colo	34,250.00	27,550.00	27,550.00	28,550.00
At Hampton, Va	20,040.00	20,040.00	20,040.00	20,040.00
At Lincoln Institution, Philadelphia, Pa	33,400.00	33,400.00	33,400.00	33,400.00
At Lawrence, Kans.....	102,500.00	94,000.00	94,000.00	94,000.00
At Mount Pleasant, Mich	35,400.00	62,100.00	62,100.00	62,100.00
At Perris, Cal	27,081.35	27,550.00	27,550.00	27,550.00
At Phoenix, Ariz	104,600.00	131,200.00	131,200.00	131,200.00
At Pierre, S. Dak	27,050.00	28,550.00	28,550.00	28,550.00
At Pipestone, Minn.....	30,400.00	19,900.00	49,075.00	49,075.00
At Rapid City, S. Dak	31,400.00	18,400.00	18,400.00	18,400.00
At Salem, Oreg	71,700.00	56,900.00	74,700.00	93,700.00
At Sac and Fox Reservation, Iowa	14,525.00	14,025.00	14,025.00	15,525.00
At Santa Fe, N. Mex.....	62,850.00	50,050.00	50,050.00	50,050.00
At Shoshone Reservation, Wyo.....	26,950.00	39,125.00	39,125.00	39,125.00
At Tomah, Wis	35,275.00	25,275.00	38,275.00	38,275.00
Erection and equipment of school building on Kickapoo Reservation, Kans			15,000.00	15,000.00
Indian school transportation.....	35,000.00	35,000.00	35,000.00	35,000.00
Total support of schools	2,630,771.35	2,493,915.00	2,595,890.00	2,637,390.00
MISCELLANEOUS.				
Salaries and expenses of Five Civilized Tribes Commission	42,000.00	.....	38,400.00	43,400.00
Flour mill at Pima Agency, Mont., expenses	1,500.00	1,500.00	1,500.00	1,500.00
Sawmills at Nez Perces Reservation, Idaho, expenses.....	3,000.00	3,000.00	3,000.00	3,000.00
Saw and flour mills at Flathead Agency, Mont., expenses.....	3,000.00	.....	.....	.....
Electric lighting of Oneida Industrial School, Wis	1,000.00	.....	.....	.....
Pay of physician, New York Agency.....	600.00	600.00	600.00	600.00
Allotments under act of Feb. 8, 1887, reimbursable	30,000.00	30,000.00	30,000.00	30,000.00
Irrigation of Indian reservations.....	30,000.00	50,000.00	40,000.00	40,000.00
Construction of telephone from Detroit to White Earth Agency .....		.....	1,000.00	1,000.00
Crow, Flathead, etc., Commission, expenses	10,000.00	.....	10,000.00	15,000.00
Surveying and allotting Indian reservations	20,000.00	20,000.00	20,000.00	20,000.00
Surveying lands in Cheyenne River Indian Reservation	20,000.00	.....	.....	25,000.00
Surveying lands in the Indian Territory.....	100,000.00	.....	.....	.....
Irrigation of Southern Ute Reservation		25,000.00	.....	.....
Irrigation of Sacaton Reservation, Ariz.....		.....	20,000.00	.....
Resurvey of lands of the Chickasaw Nation	141,500.00	.....	.....	.....
Surveying boundary lines of portion of Blackfeet Indian Reservation, Mont.....	3,000.00	.....	.....	.....

Comparative statement of appropriations for 1898, estimates for 1899, etc.—Cont'd.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate committee, 1899.
MISCELLANEOUS—continued.				
Resurvey of Klamath Indian Reservation, Oreg.....				\$12,000.00
Completion of Digest of Decisions, etc., relating to Indian affairs.....	\$2,000.00			
Printing same.....				9,173.00
Continuing work on Indian depredation claims.....				4,600.00
Puyallup Indian Reservation commissioner.....	2,000.00			2,000.00
Representation of Indian tribes at the Omaha exposition.....				45,000.00
Counsel for Pueblo Indians of New Mexico.....				2,000.00
Expenses of sale, etc., of portion of reservations of Pottawatomie and Kickapoo tribes in Kansas.....			\$2,000.00	
Payment to John T. Oglesby.....	70.00			
Reimbursement of David F. Day, Indian agent.....	367.80			
Repair of bridge across Big Wind River, Shoshone Reservation, Wyo.....	3,000.00			
Reimbursement of Ormsby County, Nev.....	6,375.00			
Payment to J. W. Smith, late Chippewa Indian commissioner.....	559.00			
Chippewa and Christian Indian Reservation, Kans., expenses.....	1,000.00			
Total miscellaneous.....	420,971.80	\$130,100.00	166,500.00	251,273.00
Total Indian Service.....	7,674,120.89	7,375,617.08	7,517,454.90	7,665,527.90

Amounts of Indian appropriation acts, 1886 to 1898, inclusive.

1886.....	\$5,762,512.70
1887.....	5,546,262.84
1888.....	5,226,897.66
1889.....	8,263,700.79
1890.....	8,077,453.39
1891.....	7,262,016.02
1892.....	16,386,284.86
1893.....	7,664,047.84
1894.....	7,854,240.38
1895.....	10,659,565.16
1896.....	8,762,751.24
1897.....	7,390,496.79
1898.....	7,674,120.89

S. A. DOUGLAS POST, NO. 69, G. A. R.

FEBRUARY 9, 1898.—Ordered to be printed.

Mr. BUTLER, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 219.]

The Committee on Naval Affairs, to whom was referred the bill (S. 219) donating condemned cannon and condemned cannon balls to S. A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska, at North Platte, Nebr., having had the same under consideration, report it back favorably and recommend its passage.

The report of the Department is as follows:

NAVY DEPARTMENT,
Washington, March 31, 1897.

SIR: Referring to the bill (S. 219) donating condemned cannon and condemned cannon balls to S. A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska, at North Platte, Nebr., and to the committee's request of the 25th instant to be advised as to the views of the Department in regard thereto, I have the honor to state that the Department sees no objection to the passage of said bill. It is suggested, however, that the object of the bill is entirely within the provisions of the act entitled "An act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments," approved May 22, 1896.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. EUGENE HALE,
Chairman of the Committee on Naval Affairs, United States Senate.

WADSWORTH POST, G. A. R., HELENA, MONT.

FEBRUARY 9, 1898.—Ordered to be printed.

Mr. BUTLER, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 641.]

The Committee on Naval Affairs, to whom was referred the bill (S. 641) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Montana, having had the same under consideration, report it back favorably with amendment, at the end of line 7, as follows:

Provided, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests.

The report of the Navy Department is as follows:

NAVY DEPARTMENT,
Washington, March 31, 1897.

SIR: Referring to the bill (S. 641) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Mont., and to the committee's request of the 25th instant to be advised as to the views of the Department in regard thereto, I have the honor to state that the Department sees no objection to the passage of said bill. It is suggested, however, that the object of the bill is entirely within the provisions of the act entitled "An act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments," approved May 22, 1896.

It is further suggested that if the bill in question be favorably acted upon by the committee, it be amended by adding the following or a similar provision:

"Provided, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests."

Very respectfully,

JOHN D. LONG,
Secretary.

Hon. EUGENE HALE,
Chairman of the Committee on Naval Affairs, United States Senate.

TAX-SALE CERTIFICATES.

FEBRUARY 10, 1898.—Ordered to be printed.

Mr. FAULKNER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 1217.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1217) for the relief of the holders of certain District of Columbia tax-sale certificates, and for other purposes, make a favorable report thereon.

This bill comprises 150 tax-sale certificates, whose aggregate value exclusive of interest is \$3,816.56. The House during the Fifty-fourth Congress passed this bill in the form as now presented, and it then came to the Senate. This committee reported it favorably and it was placed on the Senate Calendar, but not acted upon.

The House Committee on the District of Columbia, in reporting the bill, made a report upon the same, a part of which is hereby adopted, as follows:

These arrears of taxes had been previously anticipated and converted into revenue by the District of Columbia and had been used to discharge its current obligations, through the issue of lien certificates for the amount of such arrears and their payment as money to the creditors of the District.

By act of the legislative assembly approved June 25, 1873, the governor was authorized to anticipate the revenue from all taxes that may be in arrears to the District of Columbia on or after July 1, 1873, by issuing certificates therefor and disposing of the same; and it was provided in said act that to enforce the collection of these lien certificates a sale of such property as shall not be redeemed within one year should be made upon application of the holders of these lien certificates.

Lien certificates were issued as provided in said act against the various pieces of property described in this bill and paid out and utilized by the District of Columbia in discharge of its monetary obligations, and in default of their being redeemed by the respective property owners within one year sales were made upon application in 1874, 1875, and 1876 to enforce their collection as provided in said act, and at such sales the original lien certificates were surrendered and tax-sale certificates drawing 15 per cent interest per annum (those embraced in this bill) were issued.

Thus the District of Columbia in effect issued its own scrip secured upon the lots mentioned in the bill and paid it out to its creditors in satisfaction of its just debts, dollar for dollar, and when this scrip became due or overdue and not redeemed, it made sale of the pledge security (the property) and issued to the holder tax-sale certificates in its place.

As no other relief to the holder was obtainable, the rule of caveat emptor would not apply to the purchaser at such sale, since the sale served the purpose only of converting the lien certificates into tax-sale certificates upon the same property.

It appears, however, that the purchaser at these tax sales or the holder of these tax-sale certificates acquired no advantage, but rather lost everything by reason of the tax-sale certificates themselves proving invalid through the negligence of the District in not perfecting the sale as required by law.

The statute (R. S., D. C., sec. 175) required the collector of taxes when he made a sale for taxes to report it to the recorder of deeds of the District, and by him it was to be recorded among the land records. That was not done in the present case, and the courts in this District have held that this requirement was mandatory and the failure to make such a report on the part of the District authorities would render void any tax deed of a purchaser at a sale not so reported. (MacArthur and Mackey, 36, and 6 Mackey, 574.) These certificates are therefore inconvertible and worthless. By reason of these decisions no tax deeds have been issued upon these tax-sale certificates, since if issued they would be null and void and create no lien upon the property, so that the holders of these certificates of sale are as great losers and as effectually without remedy as if they held tax deeds in their place.

The committee are of opinion that, as the lien of these certificates has been lost by the neglect of the District officials, and as the certificates have thus become invalid and uncollectible (this through no fault of the present holders thereof), and as the District has had the benefit of the holders' money, they should have the opportunity to convert these certificates into drawbacks receivable for general taxes, as provided by this bill.

The Commissioners of the District have expressed their views of this bill in a letter of February 18 last:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 18, 1896.

DEAR SIR: * * * The tax-sale certificates embraced in said bill were issued to purchasers of property in arrears for general taxes at the annual sales held in the District of Columbia in the years 1872, 1873, 1874, 1875, and 1876. The amount in each certificate represents the sum paid by the purchaser to the District upon each piece thus sold. These certificates were by law convertible into tax deeds after the expiration of two years from the date of sale. The owners of property were allowed that length of time in which to redeem the property from said sales. By section 175 of the Revised Statutes, relating to the District of Columbia, the collector of taxes was required to report such sales, when made, to the recorder of deeds for record among the land records of the District. It appears that such report was not made as to the sales represented by the present certificates, and that this omission has invalidated the certificates in the hands of the present holders.

The supreme court of the District of Columbia, in MacArthur and Mackey, 36, and Beale v. Brown, 6 Mackey, 574, has decided that such report was "an essential requirement * * * and unless it has been complied with any tax deed taken by a party is void, because the District of Columbia has not done that which justified it in proceeding to give a tax deed to the party." Thus no valid tax deed could issue to the purchaser upon any of the certificates embraced in this bill, and the District is unable on its part to complete the terms of sale. So that the holders of these certificates have nothing for their purchase money except invalid, uncollectible, and inconvertible certificates, which, by reason of this failure on the part of the collector of taxes to report these sales to the recorder of deeds as required by law, constitute no lien upon the property sold.

While the Commissioners are of the opinion that the holders of these certificates could not collect the amounts they paid for them through the courts of law, they believe that these owners are equitably entitled to a refund of the purchase money with reasonable interest thereon. They therefore recommend the enactment of the bill with the following modifications:

After the word "interest," in line 14, section 1, insert the words "at the rate of six per centum per annum." After the word "thereon," in the same line, insert "for two years from the dates on which said certificates were respectively issued." Same line, strike out the words "to the date of this act."

The object of these suggested modifications is to restrict the interest-bearing period from the date of the issue of the certificates to the time when the holders thereon were entitled to deeds for the property. When these holders were entitled to the deeds they should have demanded them, and failing to get them, should have sought their remedy at law. As they failed to resort to their legal remedy they are not entitled to interest after that period.

The Commissioners have recommended 6 per cent interest as being a fair rate in view of all the circumstances aforesaid and the policy of Congress on the subject of interest on claims against the District, as indicated in the following limitations

placed by it upon the rate of interest to be allowed on judgments against the District of Columbia (U. S. Stats., vol. 26, p. 514): "That hereafter interest, when authorized by law, on judgments against the District of Columbia, in suits begun after the passage of this act, shall be at the rate of not exceeding four per centum per annum."

The Commissioners recommend that the bill be further amended by striking out the word "succeeding," in lines 24 and 25, on page 8, and inserting the word "preceding" in lieu thereof.

Very respectfully,

JOHN W. ROSS,

President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,

Chairman Committee on the District of Columbia, House of Representatives.

The amendments suggested by the Commissioners of the District of Columbia are incorporated in this bill, and they also recommend that this present bill be passed. The following amendments have been suggested for better description of certain of the certificates, and with these amendments the committee recommend the passage of the bill:

Strike out the word "part" in line 7, page 2, and insert in lieu thereof the words "west half."

Strike out the word "part" in line 16, page 4, and insert in lieu thereof the words "south half."

Strike out the word "thirty" in line 2, page 5, and insert in lieu thereof the word "seventy."

Insert in line 4, page 5, after the word "ten," the words "in square."

Insert in line 7, page 5, after the word "eleven," the words "in square."

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,

Washington, January 28, 1898.

DEAR SIR: The Commissioners recommend favorable action upon Senate bill 1217, "For the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes," which was referred to them at your instance for their examination and report.

Very respectfully,

JOHN W. ROSS,

President Board of Commissioners District of Columbia.

Senator JAMES McMILLAN,

Chairman Committee on the District of Columbia, United States Senate.

The first part of the manuscript is a list of names and dates, which appears to be a record of some kind of activity or events. The names are written in a cursive hand, and the dates are given in full, including the day, month, and year. The list is organized in a columnar fashion, with names in one column and dates in another.

The second part of the manuscript is a series of short, handwritten notes or entries. These are written in a similar cursive hand to the first part, and they appear to be related to the same subject matter. The notes are organized in a columnar fashion, with each entry on a new line.

The third part of the manuscript is a longer, more detailed entry. It begins with a heading or title, followed by a paragraph of text. The text is written in a cursive hand, and it appears to be a narrative or a description of some kind. The entry is organized in a columnar fashion, with the text written in a single column.

The fourth part of the manuscript is a series of short, handwritten notes or entries. These are written in a similar cursive hand to the first part, and they appear to be related to the same subject matter. The notes are organized in a columnar fashion, with each entry on a new line.

The fifth part of the manuscript is a longer, more detailed entry. It begins with a heading or title, followed by a paragraph of text. The text is written in a cursive hand, and it appears to be a narrative or a description of some kind. The entry is organized in a columnar fashion, with the text written in a single column.

The sixth part of the manuscript is a series of short, handwritten notes or entries. These are written in a similar cursive hand to the first part, and they appear to be related to the same subject matter. The notes are organized in a columnar fashion, with each entry on a new line.

The seventh part of the manuscript is a longer, more detailed entry. It begins with a heading or title, followed by a paragraph of text. The text is written in a cursive hand, and it appears to be a narrative or a description of some kind. The entry is organized in a columnar fashion, with the text written in a single column.

The eighth part of the manuscript is a series of short, handwritten notes or entries. These are written in a similar cursive hand to the first part, and they appear to be related to the same subject matter. The notes are organized in a columnar fashion, with each entry on a new line.

The ninth part of the manuscript is a longer, more detailed entry. It begins with a heading or title, followed by a paragraph of text. The text is written in a cursive hand, and it appears to be a narrative or a description of some kind. The entry is organized in a columnar fashion, with the text written in a single column.

The tenth part of the manuscript is a series of short, handwritten notes or entries. These are written in a similar cursive hand to the first part, and they appear to be related to the same subject matter. The notes are organized in a columnar fashion, with each entry on a new line.

LEWIS C. L. SMITH.

FEBRUARY 10, 1898.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 3441.]

The Committee on Military Affairs, to whom was referred the bill (S. 3441) to authorize the Secretary of War to remove the charge of desertion from the record of Lewis C. L. Smith, Company D, First Delaware Infantry, and to issue to him an honorable discharge, beg leave to submit the following report:

The Chief of the Record and Pension Office of the War Department reports in this case as follows:

It is shown by the records that Lewis C. L. Smith was enrolled March 25, 1864, and mustered into service March 26, 1864, as a private in Company D, First Regiment Delaware Infantry Volunteers, to serve three years. He appears to have served faithfully to December 31, 1864, when he is reported absent without leave. He is reported as having deserted January 16, 1865, never thereafter returning to his command, which remained in service until July 12, 1865.

Applying for the removal of the charge of desertion the soldier, in an unsworn statement, dated June 16, 1892, declared as follows:

"On the 27th day of August, A. D. 1864, I was examined by Dr. Maull, Dr. McCollough, and Dr. Bunnaste, medical director Second Army Corps, for discharge, and same day turned over to Captain Yardly all equipments.

"While awaiting discharge after said examination I remained with my regiment until the 27th day of October, A. D. 1864, on which day Maj. W. F. Smith, of First Delaware Infantry, United States Volunteers, my brother, was mortally wounded at Gravelly Run, Virginia, when I was detailed by said Drs. McCollough and Burr to attend to the Major. I remained with him in the service hospitals about Petersburg until he died, on the 6th day of November, A. D. 1864, and left City Point, Va., on November 8, 1864, with his body for his home, Dover, Del. After arriving home my mother, Mrs. Sarah A. Smith, refused to let me return to my regiment, and I remained in Dover, Del., until after the close of the war."

Hon. R. R. Kenney, United States Senator, submitted to this Department, January 18, 1898, a paper, of which the following is a copy:

HEADQUARTERS SECOND DIVISION HOSPITAL, IN FIELD,
Near Petersburg, November 7, 1864.

Lieut. Col. P. S. BOWERS, A. A. G.:

Maj. William F. Smith, of the First Delaware Volunteers, died last evening at our division hospital. His brother, Lewis C. L. Smith, a private in the same regiment, and for some time past upon detail at the above hospital, is getting the major's body

embalmed, and wishes to leave to go home with it for burial, at Dover, Kent County, Del. The regiment was ordered home last week to the election, and but for his brother, who was wounded in the battle at Hatchers Run, and has since been at the hospital, Lewis would have gone home with the regiment. He desires to go by way of Fortress Monroe and Baltimore.

WM. J. BURN,
Acting Staff Surgeon, U. S. A.,
On duty at Second Division, Second Army Corps Hospital.

Ten days leave is asked for Private Lewis C. L. Smith, or an order to report to his regiment in Dover, Del.

The paper above quoted bears indorsements as follows:

[First indorsement.]

HEADQUARTERS ARMIES UNITED STATES,
City Point, Va., November 7, 1864.

Private Lewis C. F. Smith, First Delaware Regiment, will immediately proceed to join his regiment, now at Dover, Del.

The Quartermaster's Department will furnish necessary transportation for this purpose.

Private Smith has permission to take with him to Dover the remains of his brother, Maj. William F. Smith, of said regiment.

By command of Lieutenant-General Grant:

T. I. BURNS,
Assistant Adjutant-General.

[Second indorsement.]

OFFICE OF CHIEF QUARTERMASTER,
ARMIES OPERATING AGAINST RICHMOND,
City Point, Va., November 8, 1864.

Respectfully referred to Lieut. Col. G. S. Bradley, acting chief quartermaster depot, City Point, who will furnish the transportation required.

By command of Brigadier-General Ingalls:

FLA. W. GRUGAN,
Lieutenant and Aid-de-Camp.

The application for removal of the charge of desertion in this case has been denied, and now stands denied, on the ground that it has not been established that the soldier was prevented from completing his term of enlistment by disability contracted in the line of duty, and because the case does not come within any of the other provisions of the act approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, January 29, 1898.

The SECRETARY OF WAR.

It will be seen from the War Department report that, according to the military record, Smith was a deserter. He was reported by his company commander as absent without leave, and, failing to return to his command, he was finally dropped from the rolls as a deserter. There was nothing else to do. And yet it is doubtful if the charge of desertion represents the real facts in the case. It is doubtful if the soldier was in fact a deserter. The military crime of desertion is defined by the Judge-Advocate-General of the Army as "an unauthorized absenting of himself from the military service, by an officer or soldier, with the intention of not returning." Is such an intent evident in this case? Your committee are of the opinion that, considering the record and the facts presented, the intent to desert the service is not only not manifest, but it is apparent that the failure of the soldier to return to his command was due to quite another cause, and one over which he had no control.

It is shown by the military records that this soldier was 18 years of age at the date of his enlistment. It was probably necessary that if the boy was to be enlisted at all he should be recorded as within the military age, of which 18 years was the minimum. But it is shown by the evidence now before your committee that Smith was less than 15 years of age at the date of his enlistment, having, as shown by the parish record of his baptism, been born August 5, 1849. The enlistment of this boy was evidently an intentional violation of the law and the Army Regulations. His brother was an officer of the same regiment, and the boy was taken into service with him. When the older brother, then major of the regiment, was wounded in battle, the younger brother was detailed to take care of him, and remained with him until his death, when he accompanied the remains to his home at Dover, under authority of Lieutenant-General Grant, then in command at City Point. In view of his youth and the melancholy circumstances attending his return to his home, it is not surprising that he failed to rejoin his command, especially when it is considered that he had been examined for discharge before leaving the field and that his mother interposed her authority to prevent his return to duty.

To a youth of his age, who was in the military service in violation of law, the command of his mother to remain at home would naturally take precedence of the claims of his illegal enlistment; and it is significant that, though technically a deserter, he was not molested by the military authorities. It evidently would have been an easy matter for the provost marshal at Dover to have caused his arrest and return to the service or his trial by court-martial for the crime of desertion. From the fact that he was not arrested as a deserter or tried by court-martial on the charge of desertion it is evident that the military authorities had no desire either to punish him or to return him to the ranks. The mother had given one son to the service of his country, and it would seem that she was entitled to the custody of the youth who had returned to her.

Your committee are of the opinion that this youthful soldier was not a willful or intentional deserter, and therefore recommend the adoption of the pending bill for his relief, with an amendment, in line 7, adding the words "of Dover, Delaware, as of date of January sixteenth, eighteen hundred and sixty-five."

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AMERICAN REGISTER FOR STEAMER LEELANAW.

FEBRUARY 10, 1898.—Ordered to be printed.

Mr. WHITE, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 3192.]

The Committee on Commerce, having under consideration the bill (S. 3192) to provide an American register for the steamer *Leelanaw*, report as follows:

The *Leelanaw*, formerly the *Earnwell*, is a steamer of 2,013.32 gross tons, built in 1886 by the Palmers, of England.

She was wrecked December 17, 1896, at Nombre de Dios Harbor, Republic of Colombia, 35 miles northeast of Colon.

The Merritt & Chapman Derrick and Wrecking Company, under agreement with the foreign owners of the steamer, sent a salvage expedition from the United States, and after considerable work floated the wreck and brought the vessel to Newport News, where she was docked and surveyed. The vessel was abandoned by the underwriters and bought by I. J. Merritt, sr., for \$1,250, he assuming the salvage bill against the vessel of \$11,940. I. J. Merritt, sr., on November 3, 1897, sold the *Leelanaw* to James Jerome, of San Francisco, a citizen of the United States, for \$15,000. Mr. Jerome has repaired her at an expense of \$48,173.32, as shown by vouchers filed with the committee, which amount is exclusive of the \$11,940 salvage bill before mentioned.

The repairs have been made by the Ross Iron Works, of Brooklyn, N. Y., under the supervision of Lloyds's surveyors, who drew the specifications, and who certify that the repairs are completed and the steamship is in a first-class sea-going condition and entitled to Lloyds's classification as A1 steamship.

In view of the fact that this case shows a compliance with all the requirements of the general law (sec. 4136, Rev. Stat.), except that the wreck took place outside instead of within the waters of the United States, and as the case is within the precedents established by Congress in similar cases, your committee report back S. 3192, with the recommendation that it pass.

STEAMBOAT INSPECTORS FOR CUSTOMS DISTRICT OF ALASKA.

FEBRUARY 10, 1898.—Ordered to be printed.

Mr. WHITE, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 3627.]

The Committee on Commerce, having considered the questions involved in the proposed bill herewith presented, report such bill and recommend its passage for the reasons stated in the following letter, addressed to the President of the Senate by the Secretary of the Treasury:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 29, 1898.

SIR: The attention of Congress is called to the fact that there are large numbers of light-draft river steamers being constructed for trade on the Yukon River, to accommodate the anticipated large movement of passengers and freight to the Klondike gold fields.

The steamers referred to will mostly be shipped in sections from the various places where they are being constructed, the parts to be assembled and put together after reaching St. Michaels.

In order that the hulls and boilers of these steamers may be properly inspected in accordance with the requirements of Title LII, Revised Statutes, and be manned by duly licensed masters, pilots, and engineers, it is deemed by this Department of the greatest importance that a local board of inspectors be created for the customs district of Alaska, for the purpose of inspecting the steamers referred to and the licensing of the officers thereof, in order that the traveling public visiting the Klondike regions may receive the benefits of the steamboat-inspection laws to which they are entitled.

I have the honor to submit herewith the draft of a bill, prepared by the Supervising Inspector-General, that if adopted by Congress will accomplish the object sought.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The PRESIDENT OF THE SENATE.

SITE OF THE FORT PHIL KEARNY MASSACRE.

FEBRUARY 10, 1898.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 3628.]

The Committee on Military Affairs, to whom was referred Senate bill No. 849, beg leave to report a substitute and to recommend the passage of the substitute bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to mark the site of the Fort Phil Kearny massacre that occurred on the twenty-first of December, eighteen hundred and eighty-six, by erecting on said site a monument of rough masonry and an historical tablet: *Provided,* That the site of the proposed monument, of not less than one-fourth of an acre in area, situated on the most sightly portion of Massacre Hill, shall be donated to the United States.

SEC. 2. That for the purpose of carrying this act into effect, the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any public moneys in the Treasury of the United States not otherwise appropriated, to be expended under direction of the Secretary of War.

The following letter from the Secretary of War is submitted:

MAY 28, 1897.

SIR: In returning herewith S. 849, Fifty-fifth Congress, first session, "Providing for the marking and monumenting of the battlefield of Massacre Hill," which was referred to this Department for information and remark, I have the honor to state that it appears that the proposition embodied in this bill is that a monument be erected on the most sightly portion of the scene of the Fort Phil Kearney massacre, and that the title to at least one acre of the field, embracing the site of the monument, be forever vested in the United States.

There is no information in the possession of the Department showing whether the land in question is now a part of the public domain or private property.

The remains of all officers and soldiers who were killed in this place in 1866, and who were buried near Fort Phil Kearney, were removed in 1889 to the national cemetery on the Custer battlefield, where a handsome monument has been erected, each grave suitably marked, and a superintendent is resident thereat, who prevents spoliation and cares for the cemetery.

Should a monument be erected at the site of the Phil Kearney massacre, unless a watchman is kept there to prevent, the structure will probably meet the same fate as befell the first monument erected on the spot where Custer's command was destroyed, i. e., it will be chipped to pieces and carried away as souvenirs by the curious and lawless sight-seers and relic hunters.

If the Government erects a monument that can be destroyed by these people, it should be cared for by the United States. This will involve the provision of a residence and services of the keeper, the same as has just been found necessary for the monument erected at the birthplace of Washington.

The proposed bill carries no appropriation of funds, and it is not understood that there is any existing appropriation available for this purpose.

The erection of a monument of rough masonry—something in the nature of a cairn—and a cast-iron tablet narrating the tragic occurrence, would cost only a few hundred dollars and would serve the purpose better than an expensive structure, for then there would be no temptation for the relic hunters to deface it.

An appropriation of \$500 would be ample for this purpose, and an area of one-fourth of an acre would be quite sufficient for a site.

An amendment of this bill, in accordance with the draft herewith inclosed, is respectfully suggested.

Very respectfully,

R. A. ALGER,
Secretary of War.

Hon. JOS. R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

The following is from Senate Ex. Doc. No. 15:

[Copy of telegram to General Cooke.—Received at office of United States military telegraph, War Department, Washington, D. C., December 26, 1866—3.15 p. m.]

FORT PHIL KEARNY, D. T., *December 21, 1866.*

By courier to Fort Laramie, December 26.

Do send me reinforcements forthwith. Expedition now with my force is impossible. I risk everything but the post and its store. I venture as much as any one can, but I have had to-day a fight unexampled in Indian warfare. My loss is ninety-four (94) killed. I have recovered forty-nine bodies, and thirty-five more are to be brought in in the morning that have been found. Among the killed are Brevet Lieutenant-Colonel Fetterman, Captain F. H. Brown, and Lieutenant Grammond. The Indians engaged were nearly three thousand (3,000), being apparently the force reported as on Tongue River in my despatches of the 5th of November and subsequent thereto. This line, so important, can and must be held. It will take four times the force in the spring to reopen if it be broken up this winter. I hear nothing of my arms that left Leavenworth September 15. Additional cavalry ordered to join have not reported their arrival. Would have saved us much loss to-day. The Indians lost beyond all precedent. I need prompt re-enforcements and repeating arms. I am sure to have, as before reported, an active winter, and must have men and arms. Every officer of this battalion should join it to-day. I have every teamster on duty, and, at best, one hundred and nineteen left at post. I hardly need urge this matter; it speaks for itself. Give me two companies of cavalry, at least, forthwith, well armed, or four companies of infantry, exclusive of what I need at Reno and Fort Smith. I did not overestimate my early application; a single company, promptly, will save the line; but our killed show that any remissness will result in mutilation and butchery beyond precedent. No such mutilation as that to-day is on record. Depend on it that this post will be held so long as a round or man is left.

Promptness is the vital thing. Give me officers and men. Only the new Spencer arms should be sent. The Indians desperate and they spare none.

HENRY B. CARRINGTON,
Colonel Eighteenth Infantry, Commanding.

Gen. U. S. GRANT.

Copy forwarded to Secretary 27th December.

Official:

E. S. PARKER, *Colonel and A. D. C.*

The following is from Colonel Carrington's report:

HEADQUARTERS POST,
Fort Philip Kearny, Dak., January 3, 1867.

The scene of action told its own story.

The road on the little ridge where the final stand took place was strewn with arrows, arrowheads, scalp poles, and broken shafts of spears.

The arrows that were spent harmlessly from all directions show that the command was suddenly overwhelmed, surrounded, and cut off while in retreat. Not an officer or man survived. A few bodies were found at the north end of the divide over which the road runs just beyond Lodge Trail Ridge.

Nearly all were heaped near four rocks at the point nearest the fort, these rocks inclosing a space about 6 feet square, having been the last refuge for defense. Here were also a few unexpended rounds of Spencer cartridge.

Fetterman and Brown had each a revolver shot in the left temple. As Brown always declared that he would reserve a shot for himself as a last resort, so I am convinced that these two brave men fell each by the other's hand, rather than undergo the slow torture inflicted upon others.

Lieutenant Grummond's body was on the road between the two extremes, with a few others. This was not far from 5 miles from the fort, and nearly as far from the wood train. Neither its own guard nor the detachment could by any possibility have helped each other, and the train was incidentally saved by the fierceness of the fight in the brave but rash impulse of pursuit.

The officers who fell believed that no Indian force could overwhelm that number of troops well held in hand.

Their terrible massacre bore marks of great valor, and has demonstrated the force and character of the foe; but no valor could have saved them.

Pools of blood on the road and sloping sides of the narrow divide showed where Indians bled fatally; but their bodies were carried off. I counted sixty-five such pools in the space of an acre, and three within 10 feet of Lieutenant Grummond's body. Eleven American horses and nine Indian ponies were on the road, or near the line of bodies; others, crippled, were in the valleys.

At the northwest or farther point, between two rocks, and apparently where the command first fell back from the valley, realizing their danger, I found citizen James S. Wheatley and Isaac Fisher of Blue Springs, Nebr., who, with Henry rifles, felt invincible, but fell, one having one hundred and five arrows in his naked body. The widow and family of Wheatly are here. The cartridge shells about him told how well they fought.

Before closing this report, I wish to say that every man—officer, soldier, or citizen—who fell received burial, with such record as to identify each.

Fetterman, Brown, and Grummond lie in one grave. The remainder also share one tomb, buried, as they fought, together, but the cases in which they were laid are duly placed and numbered.

I ask the general commanding to give my report, in the absence of the division commander, an access to the eye and ear of the General-in-Chief. The department commander must have more troops, and I declare this my judgment solemnly and for the general public good, without one spark of personal ambition other than that to do my duty daily as it comes; and whether I seem to speak too plainly or not, even with the purpose to declare the whole truth, and with proper respect to my superior officers, who are entitled to the facts, as to scenes remote from their own immediate notice, I was asked to "send all the bad news." I do it so far as far as I can.

I give some of the facts as to my men, whose bodies I found just at dark, resolved to bring all in, viz:

MUTILATIONS.

Eyes torn out and laid on the rocks.

Noses cut off.

Ears cut off.

Chins hewn off.

Teeth chopped out.

Joints of fingers cut off.

Brains taken out and placed on rocks, with members of the body.

Entrails taken out and exposed.

Hands cut off.

Feet cut off.

Arms taken out from socket.

Private parts severed and indecently placed on the person.

Eyes, ears, mouth, and arms penetrated with spear-heads, sticks, and arrows.

Ribs slashed to separation with knives.

Skulls severed in every form from chin to crown.

Muscles of calves, thighs, stomach, breast, back, arms, and cheek taken out.

Punctures upon every sensitive part of the body, even to the soles of the feet and palms of the hand.

All this does not approximate the whole truth. Every medical officer was faithfully aided by a large force of men and all were not buried until Wednesday after the fight.

The great real fact is, that these Indians take alive when possible, and slowly torture. It is the opinion of Dr. S. M. Horton, post surgeon, that not more than six were killed by balls. Of course the whole arrows, hundreds of which were removed from the naked bodies, were all used after the removal of the clothing.

I have said enough; it is a hard but absolute duty. In the establishment of this post I designed to put it where it fell heaviest upon the Indians, and therefore the better for the emigrants. My duty will be done when I leave, as ordered to my new

regimental headquarters, Fort Conger. I submit herewith list of casualties, marked A.

I shall also, as soon as practicable, make full report for the year 1866 of operations in the establishment of this new line.

I am, very respectfully, your obedient servant,

HENRY B. CARRINGTON,

Colonel Eighteenth United States Infantry, Commanding Post.

ASSISTANT ADJUTANT-GENERAL, DEPARTMENT OF THE PLATTE,

Omaha, Nebr.

[Transcript from post return of Fort Philip Kearny, Dakota, for the month of December, 1866.]

Names of officers and enlisted men killed in action with Indians December 21, 1866.

OFFICERS.

Name.	Rank.	Command.
William J. Fetterman.	Captain and brevet lieutenant-colonel.	Company A, second battalion, Eighteenth Infantry.
Frederick H. Brown.	Captain.	Company E, first battalion, Eighteenth Infantry.
George W. Grummond.	Second lieutenant.	Company C, second battalion, Eighteenth Infantry.

ENLISTED MEN.

Name, &c.	Company.	Battalion.	Regiment.
Augustus Lang, first sergeant	A.	Second.	Eighteenth Infantry.
Hugh Murphy, sergeant.	A.	Second.	Do.
Robert Lennon, corporal	A.	Second.	Do.
William Dute, corporal	A.	Second.	Do.
Frederick Ackerman, private	A.	Second.	Do.
William Betzler, private	A.	Second.	Do.
Patrick Shannon, private.	A.	Second.	Do.
Charles M. Taylor, private	A.	Second.	Do.
Joseph D. Thomas, private.	A.	Second.	Do.
Daniel Thorrey, private.	A.	Second.	Do.
Michael Harten, private.	A.	Second.	Do.
Thomas Burk, private	A.	Second.	Do.
Henry Buchanan, private.	A.	Second.	Do.
Maximilian Dihring, private	A.	Second.	Do.
George E. R. Goodall, private.	A.	Second.	Do.
Martin Kelley, private.	A.	Second.	Do.
John Thompson, private.	A.	Second.	Do.
Albert H. Walters, private.	A.	Second.	Do.
John M. Weaver, private.	A.	Second.	Do.
John Woodruff, private.	A.	Second.	Do.
Francis S. Gordon, private.	A.	Second.	Do.
Francis Raymond, sergeant.	C.	Second.	Do.
Patrick Rooney, sergeant.	C.	Second.	Do.
Gustave A. Bauer, corporal.	C.	Second.	Do.
Patrick Gallagher, corporal.	C.	Second.	Do.
Michael O'Garra, private.	C.	Second.	Do.
Facol Rosenberg, private.	C.	Second.	Do.
Frank P. Sullivan, private.	C.	Second.	Do.
Patrick Smith, private.	C.	Second.	Do.
Henry E. Aarons, private.	C.	Second.	Do.
William Morgan, sergeant.	E.	Second.	Do.
John Quinn, corporal.	E.	Second.	Do.
Timothy Cullinane, private.	E.	Second.	Do.
John Maher, private.	E.	Second.	Do.
George W. Burrell, private.	E.	Second.	Do.
George W. Waterbury, private.	E.	Second.	Do.
Alexander Smith, first sergeant.	H.	Second.	Do.
Ephraim C. Bissell, sergeant.	H.	Second.	Do.
George Philips, corporal.	H.	Second.	Do.
Michael Sharkey, corporal.	H.	Second.	Do.
Frank Karston, corporal.	H.	Second.	Do.
George Davis, private.	H.	Second.	Do.
Perry F. Dolan, private.	H.	Second.	Do.
Asa H. Giffin, private.	H.	Second.	Do.
Herrman Keil, private.	H.	Second.	Do.

Names of officers and enlisted men killed in action with Indians December 21, 1866—Cont'd.

ENLISTED MEN—Continued.

Name, &c.	Company.	Battalion.	Regiment.
James Kean, private.....	H.....	Second....	Eighteenth Infantry.
Michael Kinney, private.....	H.....	Second....	Do.
Delos Reed, private.....	H.....	Second....	Do.
Thomas M. Madden, unassigned recruit.....	.....	Second....	Do.
James Baker, sergeant.....	C.....	Second....	United States Cavalry.
James Kelley, corporal.....	C.....	Second....	Do.
Thomas Horrigan, corporal.....	C.....	Second....	Do.
Adolph Metzger, bugler.....	C.....	Second....	Do.
John McCarty, artificer.....	C.....	Second....	Do.
Thomas Amberson, private.....	C.....	Second....	Do.
Thomas Broglin, private.....	C.....	Second....	Do.
William L. Bugbee, private.....	C.....	Second....	Do.
William L. Cornoy, private.....	C.....	Second....	Do.
Charles Cuddy, private.....	C.....	Second....	Do.
Patrick Clancy, private.....	C.....	Second....	Do.
Narvy S. Deming, private.....	C.....	Second....	Do.
U. B. Doran, private.....	C.....	Second....	Do.
Robert Daniel, private.....	C.....	Second....	Do.
Nathaniel Foreman, private.....	C.....	Second....	Do.
Andrew M. Fitzgerald, private.....	C.....	Second....	Do.
Daniel Green, private.....	C.....	Second....	Do.
Charles Gumford, private.....	C.....	Second....	Do.
John Gitter, private.....	C.....	Second....	Do.
Ferdinand Houser, private.....	C.....	Second....	Do.
Frank Jones, private.....	C.....	Second....	Do.
James P. McGuire, private.....	C.....	Second....	Do.
John McKolley, private.....	C.....	Second....	Do.
Franklin Payne, private.....	C.....	Second....	Do.
James Ryan, private.....	C.....	Second....	Do.
George W. Nugens, private.....	C.....	Second....	Do.
Oliver Williams, private.....	C.....	Second....	Do.

Official.

J. C. KELTON,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *February 19, 1887.*

GEN. DAVID McM. GREGG.

FEBRUARY 10, 1898.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1747.]

The Committee on Military Affairs, to whom was referred Senate bill No. 1747, having had the same under consideration, report it back with the recommendation that it do pass as amended.

The military record of David McMurtrie Gregg is that of a distinguished officer who served his country faithfully and gallantly, first in a military academy and in the Regular Army for more than ten years, during which time he was engaged in Indian wars in the northwest, and participated in several actions with the Indians. During 1861 he served with the troops in the defense of Washington, and was mustered into the volunteer service as colonel of Eighth Pennsylvania Cavalry January 24, 1862, serving during the war, till his resignation in 1865. During his service in the volunteer forces he was colonel, brigadier-general, and brevetted major-general, and engaged in more than forty important engagements, including Gettysburg and many other notable battles.

General Gregg received high commendations from Generals Sheridan, Meade, Grant, and Hancock, and, added to the letters of recommendation from the above, was favorably mentioned in the battle reports of Generals Pleasanton, Stoneman, Warren, and Parke. In fact, he was commended by some of the above a number of times with reference to different engagements.

While the reappointment and retirement of officers should not be the rule, yet an examination of General Gregg's record and case notes a peculiarly justifiable exception.

It is sought by the bill to give him only the rank he had in the Regular Army before the civil war, and specifically denies him any compensation prior to appointment under this act, as well as any pension after its passage.

The legislature of Pennsylvania has passed a joint resolution praying Congress for the passage of the bill (S. 1747), which is submitted herewith, and also the War Department official army record and the statement of the voluntary military service of General Gregg.

COMMONWEALTH OF PENNSYLVANIA,
Executive Chamber, Harrisburg, June 3, 1897.

SIR: Pursuant to the provisions of a concurrent resolution of the general assembly of Pennsylvania, approved this day, I have the honor to forward you the attached self-explanatory copy thereof.

I am, most respectfully, your obedient servant,

DANIEL H. HASTINGS.

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.

IN THE HOUSE OF REPRESENTATIVES, May 31, 1897.

Whereas there is pending in Congress Senate bill No. 1747, which provides for the reappointment and retirement of David McMurtrie Gregg, late captain, Sixth United States Cavalry, and brevet major-general of United States Volunteers, with the rank and grade of captain; and

Whereas in consideration of the long and faithful military services of this distinguished son of Pennsylvania before and during the late war of the rebellion, especially for gallant conduct at the battle of Gettysburg, we ask proper recognition at the hands of the Government he so faithfully served, and that the acknowledgment thereof may be testified by the prompt passage of said bill: Therefore,

Be it resolved (if the senate concur), That our Senators and Representatives in Congress be requested to support and use their utmost efforts to effect the speedy passage of said bill reappointing and retiring General Gregg.

Resolved further, That a copy of the above preamble and resolution be sent by the governor of this Commonwealth to our Senators and Representatives in Congress.

JERE B. REX,
Chief Clerk of the House of Representatives.

IN THE SENATE, June 1, 1897.

The foregoing resolution concurred in.

E. W. SMILEY,
Chief Clerk of the Senate.

Approved the 3rd day of June, anno Domini one thousand eight hundred and ninety-seven.

DANIEL H. HASTINGS.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 7, 1897.

Statement of the military service of David McM. Gregg, of the United States Army, compiled from the records of this office.

REGULAR ARMY RECORD.

He entered the United States Military Academy July 1, 1851, was graduated July 1, 1855, and received subsequently the following appointments and promotions:

Brevet second lieutenant, Second Dragoons, July 1, 1855; second lieutenant, First Dragoons, September 1, 1855; first lieutenant, March 21, 1861; regimental adjutant, April 12 to May 14, 1861; captain, Sixth Cavalry, May 14, 1861.

SERVICE.

He was on duty at Jefferson Barracks, Mo., September 30 to October 14, 1855; at Columbus, N. Y., to November 6, 1855; conducting recruits to New Mexico to February 2, 1856, when he joined his regiment and served on frontier duty at Fort Union, N. Mex., to August, 1856; on the march to California and at various frontier posts in California, Washington, and Oregon to July, 1861, being engaged in the Spokane expedition in 1858, and in actions against Indians at To-hots-nim-me May 17, 1858; Four Lakes, Washington, September 1, 1858; Spokane Plain, September 5, 1858; and Spokane River, September 8, 1858.

He joined the Sixth Cavalry August 21, 1861, and commanded his troop in the defenses of Washington to January 24, 1862, when mustered into the volunteer service, and continued in that service until he resigned, February 3, 1865.

W. P. HALL, Assistant Adjutant-General.

Statement of the volunteer military service of David McM. Gregg, brevet major-general of volunteers, late colonel Eighth Pennsylvania Cavalry, and brigadier-general of volunteers.

The records on file in this office show as follows:

David McM. Gregg is reported as mustered into service as colonel, Eighth Pennsylvania Cavalry Volunteers, January 24, 1862, to serve three years. He was appointed brigadier-general of volunteers November 29, 1862, to rank from the same date; accepted the appointment January 17, 1863; was brevetted major-general, United States Volunteers, to date August 1, 1864, "for highly meritorious and distinguished conduct throughout the campaign, particularly in the reconnoissance on the Charles City road, Virginia," and was assigned to duty according to his brevet rank December 29, 1864. His resignation as captain, Sixth United States Cavalry, and brigadier-general of volunteers, tendered because of pressing private duties and business imperatively demanding his continued presence at home, was accepted, to date February 3, 1865, in special orders from this Department; and he was finally relieved from duty February 9, 1865.

During his service General Gregg was on duty in the Army of the Potomac, and held commands as follows: January 24, 1862, to December 13, 1862, Eighth Pennsylvania Cavalry Volunteers; December 13, 1862, to February, 1863, cavalry division, Left Grand Division; February 12 to June 12, 1863, Third Division, Cavalry Corps; June 12, 1863, to January, 1864, Second Division, Cavalry Corps; January 22 to February 12, 1864, Cavalry Corps; February 12 to March 24, 1864, Second Division, Cavalry Corps; March 24 to April 6, 1864, Cavalry Corps; April 6 to July, 1864, Second Division, Cavalry Corps; July 31 to August 8, 1864, Cavalry Corps; August 8, 1864, to February 9, 1865, Second Cavalry Division.

He participated in battles as follows: Yorktown, Va., April 5 to May 4, 1862 (siege); New Kent Court-House and Bottoms Bridge, Va., May, 1862; Fair Oaks, Va., May 31, 1862; Savage Station, Va., June 29, 1862; White Oak Swamp, Va., June 30, 1862; Malvern Hill, Va., July 1, 1862; Antietam, Md., September 17, 1862; Philmont, Va., November 1, 1862; Barbers Cross Roads, Va., November 5, 1862; Fredericksburg, Va., December 13, 1862; Rappahannock Railroad Bridge, Va. (skirmish), April 14, 1863; Brandy Station, Va., June 9, 1863; Aldie, Va., June 17, 1863; Middleburg, Va., June 19, 1863; Upperville, Va., June 21, 1863; Aldie, Va. (skirmish), June 22, 1863; Gettysburg, Pa., July 2-3, 1863; Charleston, W. Va., July 14, 1863; Shepards town, W. Va., July 16, 1863; Muddy Run, Va., August 5, 1863; Culpeper, Va., September 13, 1863; Rapidan Station, Va., September 14, 1863; Jefferson (or Sulphur Springs), Va., October 12, 1863; Auburn, Va., October 14, 1863; New Hope Church, Va., November 27, 1863; Parkers Store, Va., November 29, 1863; Todds Tavern, Va., May 5-6, 1864; New Market, Va., May 9, 1864; Ground Squirrel Church (Yellow Tavern), Va., May 11, 1864; Meadow Bridge (inside of rebel intrenchments), Va., May 12, 1864; Haws Shop, Va., May 28, 1864; near Gaines Mill, Va., June 2, 1864; Trevillian Station, Va., June 11, 1864; St. Marys Church, Va., June 24, 1864; Proctors Tavern, Va., July 12, 1864; Deep Bottom, Va., July 28 and August 13 to 20, 1864; Reams Station, Va., August 23-25, 1864; Vaughn Road, Va., September 29, 1864; Poplar Spring Church, Va., September 30, 1864; Vaughn Road, Va., October 1, 1864; Boydton Plank Road, Va., October 27, 1864; Weldon Railroad (expedition), December 7-12, 1864; Hatchers Run, Va., February 5-7, 1865.

General Gregg's promotion to the grade of brigadier-general of volunteers was based on his record as colonel Eighth Pennsylvania Cavalry, and on a letter from Governor A. G. Curtin, of Pennsylvania, to the President, dated October 21, 1862, as follows:

"I ask that Col. D. M. Gregg, of the Eighth Pennsylvania Cavalry, be promoted to a brigadier-generalship. He served in the Army with distinction, and was relieved to command the Eighth Pennsylvania Cavalry at my request. It is not invidious to say that no regiment behaved better and that no colonel of cavalry won more distinction in the battles on the Peninsula and before Richmond.

"Colonel Gregg is my relative, and I earnestly ask his promotion as a personal favor."

General Gregg's promotion to the grade of brevet major-general of volunteers was made at the urgent request of distinguished citizens of Pennsylvania, including the Hon. John Covode, Hon. Samuel S. Blair, Hon. J. K. Morehead, and others, and was based on the recommendations of Maj. Gens. W. S. Hancock, P. H. Sheridan, and George G. Meade, and Lieut. Gen. U. S. Grant.

General Sheridan's letter of recommendation, dated July 10, 1864, addressed to the Secretary of War, is as follows:

"I have the honor to respectfully recommend the promotion of Brig. Gen. D. McM. Gregg, commanding the second division cavalry corps, to the rank of major-general of volunteers.

"General Gregg has for a long period commanded with merit and ability a division

of cavalry of the Army of the Potomac. His gallantry, good judgment, and skillful management of his command during the present campaign is beyond praise, and justly entitles him to the reward of increased rank.

"During the present campaign, at the cavalry engagements of Todds Tavern, Yellow Tavern, inside the rebel intrenchments at Richmond, Va., Haws Shop, Trevilian Station, and St. Marys Church, his conduct was that of an able and skillful cavalry general."

General Meade's indorsement, dated July 20, 1864, on this and other recommendations for promotion, is as follows:

"The within list of nominations for promotion is respectfully forwarded for the action of the lieutenant-general commanding, in accordance with the indorsement of the 6th instant on the returned nominations of Major-General Sheridan. Such of these promotions as there are now vacancies for it is earnestly urged should be made without delay, and where there are no vacancies it is most respectfully submitted that appointments by brevet and assignment with brevet rank while in the field would be only simple justice to many most meritorious officers.

"I consider it of the highest importance that faithful services and gallantry in the field should be promptly rewarded. The tone and efficiency of this army would be greatly improved if services such as are herein recorded were promptly acknowledged."

General Grant's indorsement, dated July 22, 1864, is as follows:

"Respectfully forwarded with the remark that the officers herein recommended are worthy, meritorious, and deserving of promotion, or to fill any vacancies that may exist." * * *

General Hancock's letter of recommendation is dated August 30, 1864, and General Gregg is therein recommended for promotion, by brevet or otherwise, for highly meritorious and distinguished conduct throughout the campaign, particularly for the reconnoissance on the Charles City road and at the battle of August 25, at Reams Station, Va.

General Gregg's name was also included in a list of officers entitled to brevet rank submitted by General Meade under date of September 19, 1864, and approved and forwarded by General Grant September 25, 1864. He was also recommended by General Meade for brevet appointment of major-general of volunteers November 2, 1864.

General Gregg is favorably mentioned in battle reports as follows:

(1) Report, dated August 20, 1862, of Brig. Gen. A. Pleasonton, commanding the Second Cavalry Brigade, of the operations of that brigade, August 14 to 19, 1862:

"In conclusion, General, permit me to recommend to favorable notice the important services that have been rendered by the following-named officers, viz, Col. D. McM. Gregg, * * * of the Eighth Pennsylvania Cavalry." * * *

(2) Report, dated November 17, 1862, of Brig. Gen. A. Pleasonton, commanding the cavalry division, of the operations of that division from October 26 to November 17, 1862:

"I respectfully submit to the favorable consideration of the Major-General Commanding and the Government the following-named officers for distinguished gallantry and good conduct throughout the campaign: * * * Col. D. McM. Gregg, Eighth Pennsylvania Cavalry." * * *

(3) Report, dated May 13, 1863, of Maj. Gen. George Stoneman, commanding the cavalry corps, of the operations of that corps from April 27, 1863, to May 13, 1863:

"To Generals * * * Gregg, * * * and the officers under them, I render my warmest thanks for their hearty cooperation in the execution and carrying out of all my orders and the implicit confidence with which they honored me throughout the whole operations. Nothing was asked of them but what was freely given and promptly and thoroughly executed."

(4) Report, dated June 15, 1863, of Brig. Gen. A. Pleasonton, commanding the cavalry corps, of the part taken by a detached portion of that corps at the action at Brandy Station, Va., June 9, 1863:

"I have the honor to recommend Brigadier-Generals * * * Gregg for promotion for the gallantry and ability with which they fought their respective commands."

(5) Report of General Pleasonton, dated June 22, 1863, of the action at Upperville, Va., June 21, 1863:

"I especially commend Brigadier-Generals Gregg * * * for their gallant zeal and efficiency throughout the day."

(6) Report of Maj. Gen. P. H. Sheridan, commanding the cavalry corps, to General Meade, dated May 13, 1864, of the operations of his command from May 9 to 13, 1864:

"I am very much indebted to Generals Gregg, * * * division commanders. * * * Their services are worthy of the very highest praise."

(7) Report of General Sheridan to General Rawlins, chief of staff, dated May 13, 1866, of the operations of the cavalry corps from April, 1864, to August, 1864:

"To Gens. D. McM. Gregg, * * * to the gallant officers and men of their commands, and to the officers of my staff, I return my sincere thanks."

(8) General Gregg was also complimented by Major-General Warren, commanding the Fifth Army Corps, in general orders from that command, dated December 13, 1864, as follows:

"The command having returned from its late expedition after accomplishing successfully its mission—the destruction of the Weldon Railroad as far as Hicksford—making forced marches during six days and nights in the most inclement weather, the major-general commanding considers it his duty to express to his division commanders, Brevet Major-General Gregg, commanding Second Cavalry Division, * * * his high appreciation and commendation of their performance of the instructions issued to them by him."

The following indorsement, under date of January 26, 1865, by Maj. Gen. John G. Parke, commanding, on that date, the Army of the Potomac, appears on General Gregg's letter of resignation:

"The eminent services rendered by Major-General Gregg are well known to this Army and country. His resignation will be a serious loss to the service, but under the circumstances it is approved and respectfully forwarded for the decision of the Department."

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, May 18, 1897.



FRANK W. FLANNER.

FEBRUARY 10, 1898.—Ordered to be printed.

Mr. PETTUS, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 2698.]

The Committee on Military Affairs, having considered the bill (S. 2698) for the relief of Frank W. Flanner, recommend that the bill do not pass.

The matters involved in this bill are fully stated in a report of the House committee, which report is hereto attached.

[House Report No. 305, Fifty-fifth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred House bill 5225, submit the following report:

This bill proposes to place the name of Frank W. Flanner, late captain in the United States Army and acting master in the United States Navy on board the United States steamship *New Era*, Mississippi Squadron, on the pension roll, and pay him a pension at the rate of \$72 per month for blindness resulting from wounds and injuries incurred in the service of the United States, viz, hernia and wound upon the head, from which blindness ensued; also for deafness of the left ear.

A careful examination of the papers in this case has demonstrated the necessity for the careful investigation of claims for the granting of original pensions by special acts of Congress where the pension has been denied at the Pension Bureau. This examination has also demonstrated how easy it is for a Member of Congress to be imposed upon in the introduction of bills for such relief.

In 1861 the claimant, whose true name is Thomas W. Flanner, appeared at Cairo, in the State of Illinois, and was employed for a time in a clerical capacity at the headquarters of General Strong. It is probably true, although there is no official record that can be found, that this claimant received from Governor Yates a commission as lieutenant, and possibly a commission as captain, in order that he might draw pay from the State for his clerical services. It is certain that he was not mustered into service either as lieutenant or captain. He claims that he was employed to carry dispatches, and that he penetrated the enemy's lines at Island No. 10 as a spy and performed other valuable services. These statements stand entirely uncorroborated, and are, in fact, disproved by those who knew him while at Cairo.

October 1, 1862, Frank W. Flanner was appointed acting master of the *New Era*, a vessel in the service of the United States Government on the Mississippi River. He reported for duty and took charge of the vessel. March 2, 1863, he was dismissed the service by Gideon Welles, Secretary of the Navy, on the recommendation

of Admiral D. D. Porter, under whom he was serving, for misconduct and incompetency. In his letter recommending dismissal Admiral Porter states, "His whole conduct has been that of a worthless person." A copy of such letter is annexed, with the order of dismissal.

Flanner executed a declaration for pension on the 14th day of September, 1896, under the act of June 27, 1890, and same was filed on the 15th of the same month. In this declaration he alleged total blindness of right eye, almost total blindness of left eye, unable to feed and dress himself, total deafness of left ear, and almost total deafness of right ear, rupture left side, injury left hip by being run over by cart on account of blindness in April, 1893. This application is signed "Thomas W. Flanner, alias Frank W. Flanner." This application was executed in the city of Washington, D. C.

On the 23d day of June, 1887, this claimant, under the name "T. W. Flanner," executed a declaration or claim for pension under the general law, which was filed June 29, 1887. This was executed in Fayette County, State of Tennessee, and in the application Flanner gives his post-office address as Somerville, Fayette County, Tenn. In the application under the act of 1890 he gives his address as 1514 Chestnut street, Philadelphia.

In the application under the general law Flanner states that while acting master in command of the *New Era*, at or near Helena, Ark., on or about the 13th of January, 1863, he received a gunshot wound in the head, causing blindness in both eyes, more or less; that he had been in command of said vessel at the battle of Arkansas Post, Ark., and was on his way to Cairo, Ill., when the vessel was attacked by rebels, and that a ball struck the smokestack and then glanced and struck the claimant on the top of his head, and that the injury and concussion together have resulted in his blindness and also deafness of the left ear. The claimant also alleges that at the same time and place he ruptured himself in the left side and has suffered from said rupture ever since.

It would seem that if the acting master of this vessel had been wounded by a musket ball and also ruptured, as alleged, on his own vessel, while engaged with the enemy, his case under the general law could have been easily proved, and that if his dismissal from the service was unjustified or improper an application to Congress would have placed him upon a pensionable status at the Bureau. The officers of the Pension Bureau have investigated this case with much more than ordinary care, and among others the following facts are established:

Flanner, from his early history, was an adventurer; he secured his appointment as acting master through misrepresentation; he demonstrated his incapacity and unreliability at an early day; he sold the Government coal and failed to account for the proceeds; he was placed under arrest and soon thereafter was dismissed from the service, on the recommendation of Admiral Porter, for the reasons above stated. He had been married to a most estimable lady, whom he deserted at about the time the war broke out, and as he never returned to her she obtained a divorce. He never took part in any engagement or battle, or skirmish even, with the enemy, and the *New Era* took no part in the attack upon Arkansas Post.

On the return of that vessel from Arkansas Post to Cairo the vessel was not attacked by the enemy at any point, and those who were with Flanner on the vessel testified that there was no engagement, no attack, no wounds received by him or any other person, and that they never heard of his having received any injury from any source while in the service. Not only is there an utter want of proof to establish that this claimant received any injuries or that he incurred any disabilities while in the service, but it is affirmatively established that he did not, and that he took no part in any engagement with the enemy where such injuries could have been received by him. Those who knew him well prior to his entering the service as above stated state that he was utterly unreliable and untrustworthy. It is further established by the evidence that he served one term in the penitentiary before the war and has served two terms in the penitentiary since on conviction of fraud and forgery. His affidavits and statements on file are prolific of false statements.

While his name was Thomas W. Flanner, he secured his appointment in the Navy under the name of Frank W. Flanner. When called upon by the Pension Bureau to explain the discrepancy in names, he stated under oath that it was a clerical error on the part of the Government to enter his name as Frank W. Flanner. His letter of acceptance was thereupon produced, and to which he had signed his name "F. W. Flanner."

His claims have been rejected at the Pension Bureau, and properly so. He ever was mustered into the service of the United States as lieutenant or as captain. He was properly dismissed the service of the United States as acting master. He was not wounded while in the service of the United States, nor did he incur any disability while in such service.

Your committee is of the opinion that it should be free from further annoyance by this claimant and his friends in this matter, and that it is its duty to present the

facts to the House, that future Congresses may not be annoyed by a renewal of this claim, which is absolutely without merit in any possible aspect.

The bill is therefore reported back adversely and with the recommendation that it lie upon the table.

The letters and orders above referred to are as follows:

NAVY DEPARTMENT,
Washington, January 29, 1863.

SIR: In compliance with the request made in your letter of the 27th instant, for certain information relative to the naval service of F. W. Flanner, I have the honor to inform you that it appears, from an examination of the records on file in the Department, that Flanner was, on December 9, 1862, appointed an acting master in the Navy, for duty in the Mississippi Squadron; commanded the U. S. S. *New Era*, and on March 2, 1863, was dismissed by the Secretary of the Navy in consequence of a report, dated February 7, 1863, from Acting Rear-Admiral David D. Porter, United States Navy, commanding the Mississippi Squadron.

A copy of Admiral Porter's letter, together with the letter of the Department dismissing Flanner from the service, is inclosed herewith.

Very respectfully,

JOHN D. LONG,
Secretary.

Hon. GEORGE W. RAY,
House of Representatives.

No. 116.]

UNITED STATES MISSISSIPPI SQUADRON,
February 17, 1863.

SIR: Amongst the mistakes I have made in the appointments here was that of Acting Master F. W. Flanner, who came recommended to me very strongly by General Tuttle and others of the Army.

I find him in every respect a most unreliable person, and I have detached him from his command, the *New Era*.

On a late occasion he got under way at Island No. 10 and commenced firing his guns at the opposite bank, which amusement he kept up half the night, and reported in the morning to the general commanding that he had been attacked by 2,500 men and three heavy guns, when there was nothing of the kind occurred. He then left his station, went to Cairo and spread the report all along the river, having troops sent down to Island No. 10.

His whole conduct has been that of a worthless person, and I recommend him to be dropped.

It is one of those cases where I would have to detach three or four vessels to hold a court of inquiry, and in the meantime he would be doing nothing and drawing pay.

I have the honor to be, very respectfully, your obedient servant,

DAVID D. PORTER,
Acting Rear-Admiral, Commanding Mississippi Squadron.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

NAVY DEPARTMENT, March 2, 1863.

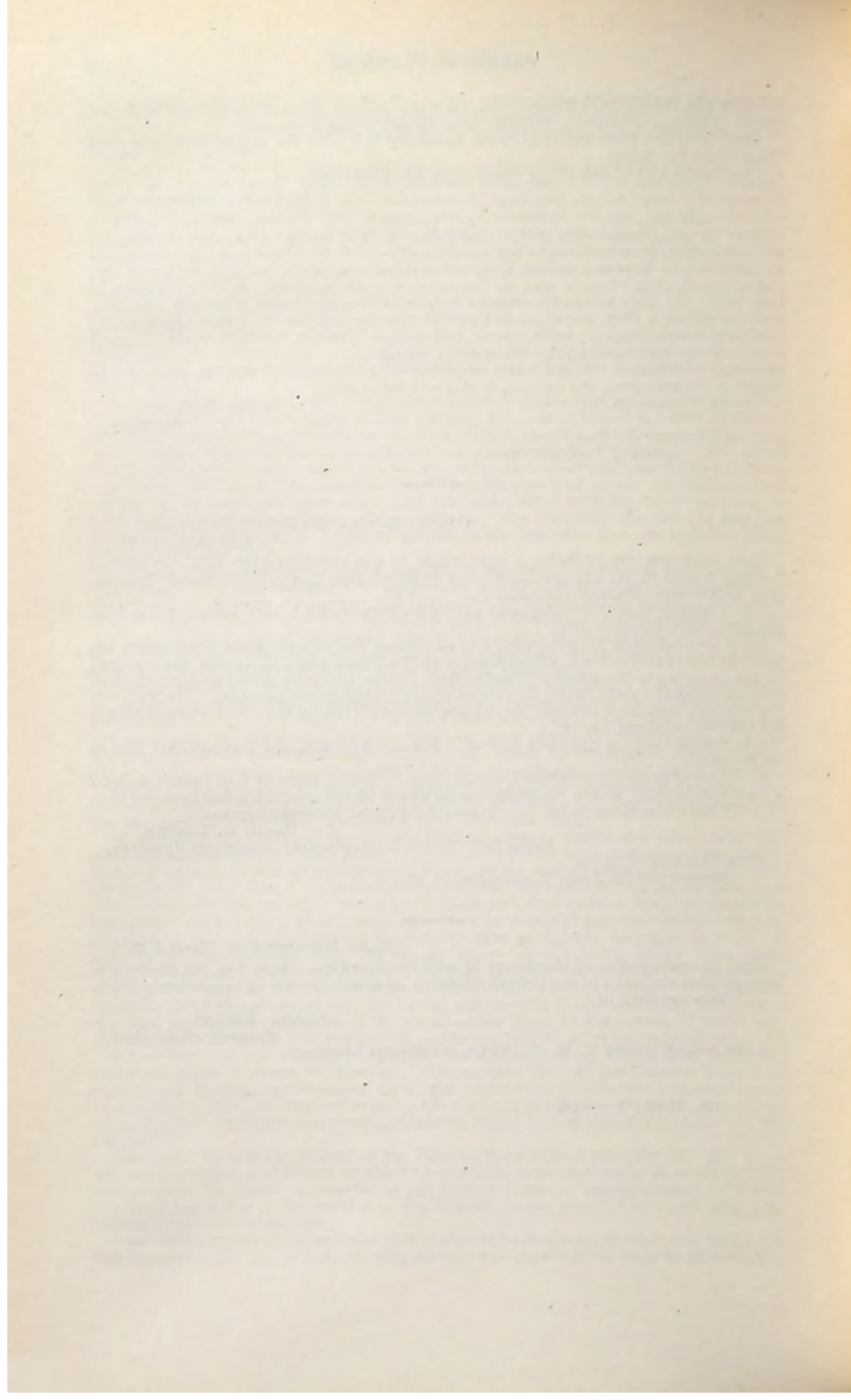
SIR: In consequence of the report of your commanding officer, you are hereby dismissed from the Navy of the United States as an acting master on temporary service.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Late Acting Master F. W. FLANNER, Mississippi Squadron.

○



CAPITAL RAILWAY COMPANY.

FEBRUARY 10, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 3153.]

The Committee on the District of Columbia, to whom was referred the bill (S. 3153) to amend the charter of the Capital Railway Company, suggest certain amendments to the bill, and recommend its passage as so amended.

The bill has for its first object to authorize the use of the double overhead trolley system on the Navy-Yard Bridge. The bridge is unsuitable for what is known as the underground construction, and the Commissioners report that the double trolley may be used with safety.

The second section authorizes and requires the Capital Railway Company to put in an underground electric system on its lines inside the city of Washington similar to that in use by the Metropolitan Railway Company.

The Congress Heights Citizens' Association passed resolutions indorsing the bill granting the company the right to use the overhead wires on the bridge for three reasons: First, it adds no weight to the structure; second, it would not be an obstruction to travel; third, to use horses means delay, and an underground electric would be impracticable on a drawbridge.

The letter below from Dr. Godding, the superintendent of the Government Hospital for the Insane, shows the importance of this legislation.

GOVERNMENT HOSPITAL FOR THE INSANE,
Washington, D. C., February 3, 1898.

SIR: On the pending legislation to prevent stopping rapid transit on the Capital Railroad, which passes by the entrance to this place, I desire to make a brief statement.

This company's charter was granted in the year of the last Presidential campaign, a year of panic, when capital shrank from all new enterprise; indeed, was indisposed toward what in ordinary times would have been temptingly attractive to it; nevertheless the road was constructed and the cars were running within the year of time

allowed by the charter. This was due to the enterprise and push of one man, the president of the road, Mr. A. E. Randle.

I am not an electrical expert and shall not hazard an opinion on the relative merits of the Brown system and the underground trolley, but this I do know, that a practical rapid transit is of incalculable benefit to the Government Hospital for the Insane and the dwellers in this outlying section of the District of Columbia. St. Elizabeth alone has a population of over 2,300, and over 800 of its inmates are from the District of Columbia. These are poor people, and their friends are poor likewise; none the less they long to visit their relatives in their affliction, and uniformly bless the trolley and the man who made it possible even here, for this quarter of the District has hitherto found little favor in the eyes of those who are supposed to look after the public interest. To-day but for the trolley those coming to the hospital would walk in the middle of the road without a sidewalk. Congress has enacted a law requiring the laying out of the city streets to the District line, but South Capitol street extended, which would be a necessity were the defenses of Washington at Fort Foote and Fort Washington ever to be required for the safety of the Capitol, has not yet been reached. Starting with the northwest section, the work has slowly traveled around Washington and may be looked to reach this benighted region by the beginning of the twentieth century. For years the Anacostia Railroad has had a charter right to extend its lines past this hospital to the heights beyond, but until the coming of Mr. Randle nothing has ever materialized in the direction of car accommodation. The president of the Capital Railroad Company has devoted all his energies to building up this region. He has made a town possible at Congress Heights. By his efforts a brick schoolhouse, commensurate with the needs of that growing place, has been built. A church has come into existence. He has put many thousands of dollars of his own property into public roads. Street lights have been extended to the terminus of the Capital Railroad. In every way he has labored for the welfare of this community, and I earnestly hope that your committee will see to it that the Capital Railroad Company, which has thus far had hardly a fighting chance, is given a fair show for its future development, which by its rapid transit means so much for the welfare of those of us whose fortune it is to dwell beyond the Eastern Branch.

Very respectfully,

W. W. GODDING,
Superintendent.

Hon. JAMES McMILLAN,
*Chairman Senate Committee on the District of Columbia,
United States Senate, Washington, D. C.*

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ASYLUM FOR INSANE INDIANS.

FEBRUARY 11, 1898.—Ordered to be printed.

Mr. PETTIGREW, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 2042.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2042) for the purchase of land and the construction thereon of an asylum for insane Indians within the jurisdiction of the United States, having had the same under consideration, beg leave to submit their conclusions thereon, and to recommend that the bill do pass with the following amendment:

In line 1 of section 4, strike out the words "one hundred and fifty thousand," and insert in lieu thereof the words "seventy-five thousand."

Your committee have made exhaustive inquiry into the subject covered by this bill, and have ascertained, through correspondence with the agents in charge of the several Indian reservations in the United States and Territories, that many insane and idiotic Indians are among their charges—enough, in the opinion of the committee, to warrant the construction and maintenance, by the Government, of an asylum for the care of these unfortunates.

The forty Indian agents who have responded to the inquiries of the committee report an aggregate of fifty-five insane Indians and from fifteen to twenty idiotic Indians. The Commissioner of Indian Affairs, likewise in response to the committee's request, reports a total of fifty-eight insane Indians, one doubtful, six idiotic, and two partly idiotic. The figures from these two sources vary only slightly, and the information obtained demonstrates conclusively the necessity for adequate provision for the custody and treatment of those among our Indian wards who are of unsound mind.

The first suggestion regarding an asylum for insane Indians came from a gentleman of long experience in the management of Indians, who wrote as follows:

DEPARTMENT OF THE INTERIOR, U. S. INDIAN SERVICE,
Cheyenne River Agency, S. Dak., May 24, 1897.

SIR: Permit me to briefly direct your attention to a matter that is becoming of considerable importance to the Indians of this country, and that is that there should

be some better provision made for the care of insane Indians than is now being done. At the present time it is almost impossible to secure their admission to any of the State institutions, and when they are admitted the expense of having them cared for is exorbitant. This condition of affairs is not only true of this State, but of others as well, having Indians within their borders.

Oftentimes these unfortunates become desperate, and it is dangerous to have them run at large; then the present method of caring for them upon the reservation is to confine them in the guardhouse, which, at best, is unpleasant, and not a suitable place to care for and confine them.

At the present time there are two persons on this reservation that ought to be in an asylum, and I have no doubt but what one or more in the same condition could be found on each of the other reservations.

Under this condition of affairs, it seems to me that some provision ought to be made by the Government for the erection of a suitable building, centrally located, for the exclusive use and care of insane Indians. Such a building could be built and maintained at a not very great expense to any particular tribe.

As this is merely an initiatory step in this direction, and my ideas as to the best plan rather crude, please give it such consideration, and take such action, as you may think advisable.

Very respectfully,

PETER COUCHMAN,
United States Indian Agent.

R. F. PETTIGREW,
United States Senator, Washington, D. C.

The Commissioner of Indian Affairs, in a communication of July 2, 1897, herewith appended, takes much the same view of this matter as is expressed in the foregoing letter from Mr. Couchman. The Commissioner says: "The establishment of a Government asylum for the insane Indians only would materially advance the interests of the Indian service." He calls attention to the fact that only seven of the fifty-eight insane Indians on his roll are cared for in retreats created for the custody of mentally diseased patients. This leaves more than half a hundred sick and totally irresponsible Indians under no provision whatever for their care or treatment.

It has been demonstrated by experience that the various State asylums for the treatment of the insane are not disposed to receive Indian patients. Generally they are overcrowded with white unfortunates, and being under no legal obligation to open their doors to Indians, it is almost the universal rule to refuse them admittance. The Government hospital at Washington is also overcrowded, and is therefore unable to accommodate Indians beyond the five patients now under treatment there. From further information disclosed by the correspondence herewith appended, it appears that the Indians are asked to defray, from their personal funds, the cost of treatment of any of their number who may seek to gain admission to the Washington hospital. This is a requirement the Indians generally are unable to meet. Out of the limited supply of money coming into their possession it is an impossibility for them to contribute enough to pay for such care and treatment as are imperative in maladies of this nature.

So, unless the Government comes to his rescue, the demented Indian is doomed to remain among his people, sharing their rude domestic conveniences, submitting to deprivation of all remedial agencies, and compelled to continue under the cloud that has darkened his intellect. While these conditions exist there is little hope that insanity can be cured or its victims made comfortable.

The Secretary of the Interior, in a communication herewith appended, concludes that "the interest of the Indians would not be best subserved by the construction of an asylum, proposed by the bill." The Secretary says in his letter that he bases his conclusions upon statements made by Dr. Godding, superintendent of the Government Hospital for the Insane, at Washington. He considers none of the other volu-

minous evidence in the case. Dr. Godding in his report (herewith appended) states that there are now seven insane Indians under hospital treatment, and that "presumably there may be as many more mild cases not under asylum care at the different agencies." His conclusions are therefore founded upon the proposition that there are only about 14 insane Indians to be cared for, whereas the official report of the Commissioner of Indian Affairs shows a present roll of fifty-eight insane Indians.

The following correspondence is hereto appended and made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, July 28, 1897.

SIR: I have the honor to acknowledge the receipt of your communication of the 24th ultimo, and accompanying S. 2042, "A bill for the purchase of land and the construction thereon of an asylum for insane Indians within the jurisdiction of the United States."

In response thereto I transmit herewith copies of two communications from the Commissioner of Indian Affairs, dated the 2d and 14th instant, and copy of report, dated the 23d instant, from the superintendent of the Government Hospital for the Insane in this city.

In view of the statements made by Dr. Godding as to the annual cost for maintenance of the proposed institution, which greatly exceeds the annual cost of the insane Indians now cared for by the Government, and the fact that Congress has made provision for additional accommodations at the Government Hospital for the Insane in this city, I am of the opinion that the interest of the Indians would not be best subserved by the construction of an asylum proposed by the bill, and I return the same without my approval.

Very respectfully,

C. N. BLISS,
Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, September 14, 1897.

SIR: Referring to the Department letter of July 28 last, in the matter of S. 2042, "A bill for the purchase of land and the construction thereon of an asylum for insane Indians within the jurisdiction of the United States," I now have the honor to transmit herewith, for your further information on the subject, a copy of a letter, dated the 9th instant, from the Commissioner on Indian Affairs, in which is given statistics of insane Indians at the several Indian agencies.

Very respectfully,

C. N. BLISS, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, July 2, 1897.

SIR: I have the honor to acknowledge receipt, by Department reference of the 28th ultimo, for immediate report, of a letter from Hon. R. F. Pettigrew, chairman Committee on Indian Affairs, United States Senate, dated June 24, 1897, inclosing Senate bill 2042, Fifty-fifth Congress, first session, with request that report be made as to the practicability and utility of the establishment of an asylum for insane Indians.

Said bill reads as follows:

"A bill for the purchase of land and the construction thereon of an asylum for insane Indians within the jurisdiction of the United States.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be constructed, under the control and direction of the Secretary of the Interior, at or near Canton, in the county of Lincoln and State of South Dakota, a building of sufficient capacity to accommodate the insane members of the various tribes and bands of Indians upon the Indian reservations under the jurisdiction of the United States; said building to be fitted and

furnished with all necessary appliances for the care, treatment, and convenience of insane persons.

"SEC. 2. That the building authorized by this act shall be constructed with walls of stone or brick, with metal roof, and shall be as nearly fireproof as conditions will permit. It shall occupy a site upon not less than one hundred acres of tillable land in a compact body, and the necessary barns, stables, and other outbuildings shall be conveniently located and constructed thereon.

"SEC. 3. That when completed the building shall be used exclusively as an asylum for insane persons of Indian blood, under such rules and regulations as the Secretary of the Interior shall prescribe.

"SEC. 4. That the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of the Interior for the purchase of the necessary land and the erection thereon of buildings, and for such other purposes as he may deem proper in the execution of the provisions of this act."

In reply thereto I would respectfully report that the establishment of a Government asylum for insane Indians only would, in my opinion, materially advance the interests of the Indian Service. At the present time there are several insane Indians confined in the Government Hospital for the Insane in this city (under authority duly granted by the Department), and there are also a number of Indians in other asylums for the insane in the Western part of the country.

New cases of insanity among Indians are brought to the attention of this office from time to time by agents in charge of the various reservations; and if the Government had a separate institution for the proper care and treatment of its insane Indian wards it would relieve the present crowded condition of the Government asylum in this city and at the same time dispense with the placing of Indians in State and private asylums.

Section 3 of the bill provides that the proposed asylum shall be used exclusively for insane persons of Indian blood. This would exclude persons married into an Indian tribe but having no Indian blood in their veins. Cases have come to the notice of this office, though such cases are rare, of persons of other than Indian blood married into and living with an Indian tribe becoming insane, for whom there was no provision in either private or State asylums. It might be advisable to amend the proposed law so as to permit, under proper restrictions, the admission and care of such persons.

Without having very much data on the subject, easy of access, to regulate its judgment, the opinion of this office is that an asylum that would accommodate fifty patients would be ample.

Very respectfully,

THOS. P. SMITH,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, July 14, 1897.

SIR: I have the honor to acknowledge the return of office letter of the 2d instant and communication from Hon. R. F. Pettigrew, relative to Senate bill 2042, "For the purchase of land and the construction thereon of an asylum for insane Indians within the jurisdiction of the United States," with the following indorsement:

"Respectfully returned to the Commissioner of Indian Affairs with the request that he give, if he can, the number of insane Indians now in asylums; names of the institutions; number in each; the amount paid per annum for each, and in the aggregate, and an estimate of the number of insane Indians not in asylums."

In reply thereto you are respectfully informed that seven insane Indians are now confined in asylums, and the approximate cost to the Government is as follows:

Chee-e-rah-he-kah, a Pawnee Indian woman, in Government Hospital for the Insane, Washington, D. C., from April, 1887, to July, 1897, at \$91 per quarter	\$3, 731. 00
Frank White, a Pine Ridge Reservation Sioux, in Government Hospital for the Insane, Washington, D. C., from September, 1893, to July, 1897, at \$91 per quarter	1, 395. 00
"Bob Tail Bear," or "Comes Out Medicine," a Pine Ridge Reservation Sioux, in Government Hospital for the Insane, Washington, D. C., from June, 1895, to July, 1897, at \$91 per quarter	758. 00
William Gammell, a Santee Reservation Sioux, in Government Hospital for the Insane, Washington, D. C., from March, 1896, to July, 1897, at \$91 per quarter	485. 00
Joseph D. Marshall, a Rosebud Reservation Sioux, in Government Hospital for the Insane from May, 1897, to July, 1897, at \$91 per quarter	61. 00

Josephine Culbertson, a Fort Peck Agency girl, in House of the Good Shepherd, at St. Paul, Minn., from October, 1895, to July, 1897, at \$10 per month	\$210. 00
Francis Matte, a Flathead Agency Indian, in State Asylum for Insane, at Warm Springs, Mont., from October, 1888, to July, 1897, at \$6.30 per week	2, 866. 50
Total approximate aggregate cost.....	9, 506. 50

These Indians are still confined in the institutions named.

This office is unable to state, from any data in the office, the "number of insane Indians not in asylums." This information can only be supplied after each agent and superintendent in the service has been communicated with in reference to the matter. This will be done, and the Department advised of the result at the earliest practicable moment.

The papers in the case are respectfully returned herewith.

Very respectfully,

THOS. P. SMITH,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

GOVERNMENT HOSPITAL FOR THE INSANE,
Washington, D. C., July 23, 1897.

SIR: I have the honor to acknowledge receipt of reference of the 20th instant, from the Department, of Senate bill 2042, with accompanying reports, herewith returned, and to respectfully submit the following statement:

From time to time, under order of the honorable Secretary of the Interior, insane Indians, wards of the nation, have been admitted to the Government Hospital for the Insane as private or pay patients, at the rate of \$91 per quarter, payment being made through the Commissioner of Indian Affairs. The number under treatment at the present time is five, and this number has never been exceeded at any previous date.

The accompanying report of the Acting Commissioner of Indian Affairs shows the whole number now insane, and under custody as such, is seven. Presumably there may be as many more mild cases not under asylum care at the different agencies; perhaps more; but in any view the number is rather a small one as a basis for the expenditure of \$150,000 for the purchase of a site and the erection of a distinct hospital for this special class. To this must be added an annual expenditure of not less than \$25,000 for the equipment and the maintenance of the institution, including the salaries of physicians and necessary officers and attendants. The present annual cost of the entire number now under care in this hospital and elsewhere is \$2,267.

The additional expenditure might be advisable if there was a prospect that in the near future the number of insane Indians would be very much increased, but the records of the race do not justify any such expectation—rather the opposite.

It is true that this hospital is at present much crowded, but this is in a great measure due to the number of old and feeble volunteer soldiers, who, becoming insane at the National Homes for Disabled Volunteers, are sent here; but the necessary limit of life will in a short time relieve this, and as the present Congress has recently appropriated \$75,000, now available for additional accommodations, the removal of these five Indians does not become a necessity.

Suitable provisions for the African citizen is a much more urgent question here.

Very respectfully,

W. W. GODDING, *Superintendent.*

Hon. C. N. BLISS,
Secretary of the Interior, Washington, D. C.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, September 9, 1897.

SIR: Referring to office letter of July 14, 1897, making a partial report on Senate bill 2042, "For the purchase of land and the construction thereon of an asylum for insane Indians within the jurisdiction of the United States," I now have the honor to submit further report in the premises.

Replies received from the various agencies in the service show that there are no insane Indians thereat except in the following instances, viz:

Sisseton Agency, S. Dak., three insane Indians.

Uintah and Ouray Agency, Utah, two harmless insane Indians. Will do better if allowed to remain on the reservation than to be confined in an asylum.

Pottawatomie Agency, Kans., two Indians, partly idiotic; not troublesome.

Mission Agency, Cal., seven insane Indians, that should be cared for in an asylum.

Ponco, etc., Agency, Okla., one insane Indian; confined at present in Government Hospital for the Insane, Washington, D. C.

Shoshone Agency, Wyo., three insane Indians, but condition not serious enough to render restraint necessary.

White Earth Agency, Minn., eight insane Indians; proper subjects for an insane asylum.

Mescalero Agency, N. Mex., one Indian who claims he is insane, but acting agent doubts his insanity.

Fort Berthold Agency, N. Dak., three insane Indians; fit subjects for an asylum.

Pine Ridge Agency, S. Dak., one insane Indian; now confined in Government Hospital for the Insane, Washington, D. C.

Cheyenne River Agency, S. Dak., five insane Indians, that should be cared for in an asylum.

Standing Rock Agency, N. Dak., one insane Indian; now confined in insane asylum at Jamestown, N. Dak.

Crow Agency, Mont., a few Indians (number not stated) slightly insane, but not requiring restraint in an asylum.

Rosebud Agency, S. Dak., two insane Indians; now confined in Government Hospital for the Insane, Washington, D. C. One insane Indian on the reserve, whose mental condition is such as not to render it necessary to keep him wholly under restraint.

Blackfeet Agency, Mont., four insane Indians, but not violent.

Quapaw Agency, Ind. T., no insane Indians, but six harmless idiots, who are well cared for by their parents and guardians.

La Pointe Agency, Wis., two insane Indians and three harmless idiots; one of said insane Indians now confined in an asylum near Madison, Wis.

Sac and Fox Agency, Iowa, three cases of insanity in past three years. One case only was serious and required restraint. Death has relieved this case.

Siletz Agency, Oreg., one insane Indian; harmless; left reservation about May 1st last to visit relatives at Grand Ronde Agency, Oreg., and has not yet returned.

Warm Springs Agency, Oreg., one Indian mentally deranged, but not to such an extent as to render it necessary to keep him under restraint.

Flathead Agency, Mont., seven insane Indians on reservation at the present time, and one confined in the State asylum at Warm Springs, Mont.

In this connection I would invite attention to a case of insanity just reported to this office by Capt. W. H. Clapp, acting United States Indian agent at Pine Ridge Agency, S. Dak. The afflicted person is one John Woodruff, a mulatto, aged 49 years, and a native of Illinois. It appears that this man has been on the reservation for several years, and has been living with an Indian woman, to whom (so it is reported) he was married in some Indian fashion. Woodruff has lately become violently insane, and the agency physician, who has examined him, states that his malady is likely to be permanent. He has developed homicidal tendencies and has made violent assaults on his Indian wife.

The acting agent now has Woodruff in confinement. He has written the honorable probate judge of Fall River County, S. Dak. (to which said reservation is attached for judicial purposes), asking that the man be taken away and cared for. No encouragement is given, however, that this will be done.

The authorities of Sheridan County, Nebr., where the man was a resident eight years ago, refuse to take notice of the case, and in view of these facts the acting agent asks to be advised whether Woodruff can be received at the Government Hospital for the Insane in this city.

Before presenting the matter to the Department the acting agent has been directed to call a council of the Indians and ascertain whether they are willing to contribute a sufficient sum from their funds for the care, treatment, etc., of said Woodruff in an institution for the insane, and at the same time to report the approximate amount that will be required for the purpose.

Very respectfully,

W. A. JONES,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Creek Agency, S. Dak., June 19, 1897.

DEAR SIR: I am in receipt of your letter of the 10th instant, in which you ask for information regarding insane Indians under my charge, etc. In reply, I have the

honor to inform you that at present there are none insane here, but recently have had two cases, both of which died from the lack of a proper place in which to confine them for treatment. The cases occurring here have had to be treated in the guard-house, which, as you can readily imagine, is illy constructed and poorly equipped for that purpose. Every possible effort was made by me, under instructions from the Indian Office, to get these two unfortunate persons admitted in the Yankton Insane Asylum, but the authorities of that institution refused, and the patients died in a short time.

While insanity among the Indians is certainly on the increase, I doubt whether it is quite as common as among whites.

Owing to the lack of a suitable place to confine patients of this character, no special course of treatment on the reservation can be adopted. In my opinion, nothing in the Indian service is more urgently needed than an asylum for insane Indians, and your undertaking to secure such an institution is most praiseworthy.

Very respectfully,

FRED TREON,
United States Indian Agent.

Hon. R. F. PETTIGREW,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Sac and Fox Agency, Toledo, Iowa, June 21, 1897.

DEAR SIR: Replying to your letter of June 10, 1897, I would respectfully answer your questions as follows:

Q. 1. How many insane Indians are there on the reservation under your charge?—A. There have been three cases of insanity at this agency in the past three years, only one of which was serious. That case has been relieved by death, and the two cases that now exist are in mild form.

Q. 2. Is insanity as common among Indians as among whites?—A. We have an Indian population of about 400. I do not have statistics at hand with which to make comparison.

Q. 3. Have you any special course of treatment for mentally diseased Indians?—A. No. In the serious case above referred to I secured the aid of a local physician, and relieved the most distressing periods by the use of opiates.

If you will pardon the suggestion, I would like to add that in the establishment of an asylum for insane Indians it seems to me that the rules by which they shall be received into the asylum should most vigilantly guard against the incarceration of unfortunate Indians whose friends may attempt to get rid of them for personal reasons by sending them to the asylum.

Respectfully,

HORACE M. REBOK,
United States Indian Agent.

Senator R. F. PETTIGREW,
Chairman Committee on Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., June 22, 1897.

DEAR SIR: Yours of 10th instant came during my absence from the agency. I reply to your questions as follows:

There is only one hopelessly insane Indian on this reservation at this present time. One died last winter. There are others more or less weak-minded, but they are not so insane that they can not be cared for in some way by their relatives or Indian friends.

I have no means whatever of caring for insane Indians.

Among Indians generally, especially the wilder tribes—Apaches, Sioux, Cheyennes—I should say insanity is less common than among the whites; among these Indians—the Crows—I should say it is more common, on account of a deterioration resulting from several causes—contact with worst element of whites, too early marriages of the girls, and almost complete lack of chastity in the women.

I have no special course of treatment for mentally diseased Indians.

In conclusion, I would say I think an asylum for insane Indians is needed. Last year I had to send to the State insane asylum an adopted Indian—a Mexican—who

was so extremely violent I had to have him tied down in the guardhouse. There would probably be more insane Indians if it were not for the fact that they die soon after becoming insane for lack of care and wise treatment suitable to their cases. When their insanity is of a violent type, some asylum is absolutely necessary.

Yours, truly,

J. W. WATSON,

First Lieutenant, Tenth Cavalry, Acting United States Indian Agent.

Hon. R. F. PETTIGREW,

*Chairman Committee on Indian Affairs,
United States Senate, Washington, D. C.*

UNITED STATES INDIAN SERVICE,

Lemhi Agency, Idaho, June 19, 1897.

DEAR SIR: Replying to your communication of June 10, 1897, I have the honor to submit the following response to questions propounded in regard to number of Indians on this reservation under my charge; also, in regard to mentally diseased Indians, course of treatment, and to answer: There are 488 Indians under my charge on this reservation. Insanity is not as common among Indians as among whites. In the absence of mental diseases among Indians there has been no special course of treatment prescribed.

I have the honor to be, very respectfully,

J. A. ANDREWS,

United States Indian Agent.

Hon. R. F. PETTIGREW, *United States Senate,*

Chairman Committee on Indian Affairs, Washington, D. C.

UNITED STATES INDIAN SERVICE,

San Carlos Agency, Ariz., June 18, 1897.

SIR: In answer to your circular letter of June 10, regarding insane Indians, I have the honor to say that there are only two Indians now alive on this reservation that could be called insane, and they are not in the least violent, and never have had to be restrained.

There is no provision here for caring for insane Indians. If necessary for a temporary confinement we should, of course, put them in the guardhouse cell until other means could be devised. From my observation I should say that insanity could not be said to be as prevalent among Indians as whites.

We have no especial treatment for mental diseases, as the necessity has not arisen here to my observation.

Very respectfully,

ALBERT L. MYER,

Captain, Eleventh Infantry, Acting Indian Agent.

Hon. R. F. PETTIGREW,

United States Senator.

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,

COLORADO RIVER AGENCY,

Parker, Yuma County, Ariz., June 19, 1897.

SIR: In reply to your communication of the 10th instant, relative to creating an asylum for insane Indians, I have to state that there are no insane Indians on this reservation, and from my observation among the Mohave Indians, belonging to this reservation, I do not consider that insanity is as common among Indians as among whites.

There is no special course of treatment for Indians mentally diseased at this agency.

Very respectfully,

CHARLES E. DAVIS,

United States Indian Agent.

Hon. R. F. PETTIGREW,

*Chairman Indian Committee, United States Senate,
Washington, D. C.*

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,
AGENT'S OFFICE, PIMA AGENCY, ARIZ.,
Sacaton, June 23, 1897.

SIR: Responsive to your inquiry dated the 10th instant, I respectfully inform you that I have about 8,000 Indians under this agency; that there is no insanity among them.

Very respectfully,

J. ROE YOUNG,
United States Indian Agent.

Hon. R. F. PETTIGREW,
Chairman Committee on Indian Affairs, Washington, D. C.

UNITED STATES INDIAN SERVICE,
STANDING ROCK AGENCY,
Fort Yates, N. Dak., June 23, 1897.

DEAR SIR: I have the honor to acknowledge receipt of your communication of the 10th instant, requesting information with regard to insane Indians, and in reply to state that there are no insane Indians on this reservation at the present time to my knowledge.

There are two Indians belonging to the reservation who are now inmates of the North Dakota Hospital for the Insane, at Jamestown—one a woman, who is maintained there at the expense of her husband, who is a white man, and the other a man, who is maintained at the institution by the Government, at an expense of \$480 per annum.

I do not think insanity among Indians is as common as it is among whites.

We have no special course of treatment for mentally diseased Indians.

I am, very respectfully, yours,

JOHN W. CRAMSIE,
United States Indian Agent.

Hon. R. F. PETTIGREW,
*Chairman Committee on Indian Affairs, United States Senate,
Washington, D. C.*

UNITED STATES INDIAN SERVICE,
Tongue River Agency, Mont., June 19, 1897.

SIR: In response to your favor of 10th instant, making inquiry as to insane Indians on this reservation, I have the honor to inform you that no Indian under my charge is insane.

My belief is that insanity is not so common among Indians as among whites.

I have no idea as to any special course of treatment for Indians mentally diseased.

Very respectfully,

GEO. W. H. STOUCH,
Captain, Third Infantry, Acting United States Indian Agent.

Hon. R. F. PETTIGREW,
Chairman Committee on Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Fort Belknap Agency, Harlem, Mont., June 24, 1897.

SIR: Answering your request for information contained in letter of the 10th instant, I have to advise you that there are 1,283 Indians under my charge at this agency, none of whom are insane, and it is my observation that this affliction is much less common among the Indians than whites.

No cases having come under my observation since my connection with the Indian service, I have no special course of treatment for mentally deranged Indians to suggest.

Very respectfully,

LUKE C. HAYS,
United States Indian Agent.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Fort Hall Agency, Idaho, June 21, 1897.

DEAR SIR: Referring to your communication of June 10, 1897, relative to insanity among the Indians of this reservation, I have the honor to report that after careful inquiries I find the following:

There are no insane Indians on the reservation. Judging from conditions prevailing here, insanity is not as common among Indians as among whites.

No special course of treatment for mentally diseased Indians is or has been followed.

Respectfully,

F. G. IRWIN, JR.,
First Lieutenant-Second Cavalry, Acting Indian Agent.

Senator R. F. PETTIGREW,
Chairman Committee on Indian Affairs, United States Senate,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Western Shoshone Agency, Nev., June 19, 1897.

SIR: My replies to the three questions contained in your letter of the 10th instant, relative to insane Indians, are as follows:

There are no insane Indians on the reservation under my charge. As there have been no cases of insanity among the Indians here since I came, I have no special course of treatment for mentally diseased Indians.

Very respectfully,

WM. L. HARGROVE,
United States Indian Agent.

Hon. R. F. PETTIGREW,
Chairman Committee on Indian Affairs, United States Senate,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Lower Brule, S. Dak., June 22, 1897.

MY DEAR SIR: Replying to your esteemed favor of the 10th instant, wherein you ask as to the number of "insane Indians on this reservation under my charge; if insanity is as common among Indians as among whites, and if we have any special course of treatment for mentally diseased Indians," I have the honor to advise you that we have no case of insanity at present on the reservation, nor has there been any case since I assumed charge here, now about nine months since, hence no line of treatment, special or otherwise, has been required. From the best line of information obtainable by me, I learn that insanity does not prevail, relatively, as much among the Indians as among the whites.

However, I think the proposition to create an insane asylum for Indians a very wise, humane, and necessary one, and very earnestly hope you will be able to carry it to a successful conclusion.

Very respectfully,

B. C. ASH,
United States Indian Agent.

Hon. R. F. PETTIGREW, United States Senator,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Nez Percés Agency, Idaho, June 16, 1897.

SIR: In reply to your communication of the 10th instant, in relation to the insanity existing in this tribe, I have the honor to inform you that there is no case of insanity among them at the present time, nor has there been any for the last several years.

There were three cases, two men and one woman, which came to my notice while I was agent of the Fort Hall Indians in Idaho. None of these cases were of a violent nature, they being easily held in restraint by friends or relatives. During my thirty years' experience among the Indians, the three cases mentioned above are the only ones I can now call to memory.

I have the honor to be, yours, respectfully,

S. G. FISHER,
United States Indian Agent.

Hon. R. F. PETTIGREW,
United States Senator, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Southern Ute Agency, Ignacio, Colo., June 18, 1897.

SIR: I have the honor to acknowledge yours of 10th instant, and in reply to inquiries will say that there are, as per last census, 1,152 Southern Ute Indians, and having been agent for a trifle less than four years and a resident of this section for twenty years, will say that an insane or partially demented Ute is unknown either to "old-timers" or myself.

Very respectfully,

DAVID F. DAY,
United States Indian Agent.

Hon. R. F. PETTIGREW,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Kiowa Agency, Anadarko, Okla., June 14, 1897.

SIR: In reply to letter from your committee room under date of June 10, 1897, relative to the establishment of an asylum for insane Indians, I would respectfully state I have no insane Indians on this reservation who could be considered as fit subjects for the insane asylum. Insanity is not a common thing among the Indians, and my experience has been coextensive with that of most every Indian tribe of the United States. I have never had any cause to apply any special course of treatment for mentally diseased Indians. There may be cases of insanity among the Indians, but the same has never come under my personal observation.

Very respectfully,

FRANK D. BALDWIN,
Captain, Fifth Infantry, Acting Agent.

Hon. R. F. PETTIGREW,
Chairman Committee on Indian Affairs, United States Senate,
Washington, D. C.

UNITED STATES INDIAN SERVICE,
Sac and Fox Agency, Okla., June 14, 1897.

SIR: I have the honor to say, in replying to your letter of the 10th instant, that there is not an insane Indian on this reservation, nor has there been since I have been in control as agent. From my observation I do not think that insanity is common among Indians. Have no treatment for such cases, because there have been no subjects to treat.

Very respectfully,

EDWARD L. THOMAS,
United States Indian Agent.

Hon. R. F. PETTIGREW,
Chairman, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Fort Peck Agency, Poplar, Mont., June 14, 1897.

DEAR SIR: In reply to your letter of the 10th instant, in answer to questions, I have the honor to state that there are no insane Indians on this reservation. Insanity is not common among the Indians that have come under my observation. One case of insanity has occurred to a returned Carlisle student; she was sent to Deer Lodge, this State, has recovered, and is now in the House of the Good Shepherd, in St. Paul, Minn.

Yours, respectfully, etc.,

H. W. SPROLE,
Captain Eighth Cavalry, U. S. A., Acting Agent.

Hon. R. F. PETTIGREW,
Washington, D. C.

UNITED STATES INDIAN SERVICE,
Mescalero Agency, N. Mex., June 15, 1897.

SIR: I have the honor to acknowledge receipt of your letter of inquiry in reference to insane Indians. In reply thereto I will say that I have but one Indian on this reservation who claims to be insane.

Insanity here is not common—one case in 455. I do not know the proportion among whites.

There is no special course of medical treatment used here. Insanity is used, in my opinion, by cunning or unscrupulous Indians to gain an easy livelihood. It is well known that insane people are considered by Indians to be under the special care and protection of Divine Providence. Hence it is easy to feign insanity and gain a living by entering houses, tepees, and fields, and helping one's self, the owner or owners standing idly by and watching the process without daring to interfere. Even an assault by a supposed insane Indian will provoke no force in return.

The Indian I have here terrorized the others, always claiming to be "locoed," a claim sufficient in itself to show its absurdity, for as a rule insane persons claim to be sane. A tour in the guardhouse at hard labor and a promise to kill him the first time he became violent has had the effect to make my patient remarkably quiet. I doubt not that other reservations have similar cases that will yield to similar treatment. If I may be permitted to recommend, I believe it will be cheaper in the end for the United States to place insane Indians in State and Territorial institutions, paying for their maintenance, as has been done with convicts. Judging from my own experience, there is more money spent now on Indians than the result will warrant. After we succeed in civilizing them what have we? An asylum, with its attendant corps of physicians and attendant employees, will be simply another opportunity for a big financial leak that once started will be difficult to calk.

Very respectfully, your obedient servant,

V. E. STOTTLER,

First Lieutenant, Tenth Infantry, Acting Indian Agent.

Hon. R. F. PETTIGREW,

United States Senate.

UNITED STATES INDIAN SERVICE,

Green Bay Agency, Keshena, Wis., June 19, 1897.

SIR: I have the honor to acknowledge the receipt of your letter dated on the 10th instant, asking me how many insane Indians there are on the reservations under my charge; if insanity is as common among the Indians as among the whites, and if I had any special course of treatment for mentally diseased Indians.

In reply I would state that there are three tribes of Indians connected with this agency, viz: Menominees, numbering about 1,500; Oneidas, numbering about 2,000; Stockbridges, numbering about 500. The Menominees are the least civilized, but even all of them, except about 300, are Christians, and there are no blanket Indians among them. The Oneidas and Stockbridges are all civilized, talk English, are educated, and are good citizens, as they have lived among the whites for nearly two hundred years.

I have made diligent inquiries and there is not an Indian in the three tribes that is insane, and it is claimed that there has been but two that were insane during the past fifty years. Among the whites in this vicinity there are many insane persons—principally Germans. There are a few Indians who are foolish, but they were born so.

What the Indians need at this agency is a hospital at the Oneida Reservation to take care of the sick and old. There is a hospital established on the Menominee Reservation to take care of sick and old Menominees, which is supported from their funds.

Very respectfully,

THOS. H. SAVAGE,
United States Indian Agent.

Hon. R. F. PETTIGREW,

United States Senator, Washington, D. C.

UNITED STATES INDIAN SERVICE,

Quapaw Agency, Ind. T., June 18, 1897.

DEAR SIR: Your communication under date of June 10, 1897, received, requesting me to give you answers to the following questions:

"How many insane Indians are there on the reservation under your charge?"

"Is insanity as common among Indians as among whites?"

"Have you any special course of treatment for mentally diseased Indians?"

In reply I have the honor to report, after a careful investigation, that I am unable to find an insane Indian among the eight tribes of this agency. In this connection I will add that there are six idiots among the different tribes, most of them minors, and well cared for by their parents and guardians. I have not even heard of an insane white person on the reservation, hence the agency physician has not been called upon for treatment in that line.

Very respectfully,

GEO. S. DOANE,
United States Indian Agent.

Hon. R. F. PETTIGREW,

United States Senator, Washington, D. C.

UNITED STATES INDIAN SERVICE,
Fort Berthold Agency, Elbowoods, N. Dak., June 16, 1897.

DEAR SIR: Your letter, of the 10th instant at hand, asking information concerning insane Indians on this reservation, and in answer thereto I inclose statement from our agency physician, which I trust will explain the situation satisfactorily.

Yours, very truly,

THOMAS RICHARDS,
United States Indian Agent.

Hon. R. F. PETTIGREW,
Washington, D. C.

UNITED STATES INDIAN SERVICE,
Fort Berthold Agency, Elbowoods, N. Dak., June 17, 1897.

SIR: Regarding insane Indians on this reservation, we now have three.

I do not think insanity, as we commonly consider it, is as common among these Indians as among the surrounding white people.

The cases we now have are classed under the head of "idiocy amentia," and they were born idiots. Insanity which is developed after birth is certainly not as common here among these Indians as among whites.

As we have no hospital to keep insane in, we are unable to give any special treatment to this class of cases.

Very respectfully,

J. R. FINNEY,
Agency Physician.

Hon. THOS. RICHARDS,
United States Indian Agent, Fort Berthold Agency, N. Dak.

DEPARTMENT OF THE INTERIOR,
 UNITED STATES INDIAN SERVICE,
Pine Ridge Agency, June 14, 1897.

SIR: I have the honor to acknowledge receipt this day of your inquiry of the 10th instant, and in reply to say:

There were 6,481 Indians belonging to this reservation at the last census. I have no knowledge of any insane person among them, nor have I learned of there being any such for several years, except in the case of one woman who had been mildly insane for some time, and who was transferred last summer to the Government Hospital for the Insane at Washington, where she now is.

I do not think insanity nearly so common among these Indians as among whites.

There is no provision here for the treatment of insane Indians.

Very respectfully, your obedient servant,

W. H. CLAPP,
Captain, Sixteenth Infantry, Acting Indian Agent.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

OSAGE AGENCY, *June 14, 1897.*

Respectfully returned to the Hon. R. F. Pettigrew, United States Senate, with answers:

First. None (no insane).

Second. Have never known of an insane Indian.

Third. There is no necessity for such (special course of treatment for insane Indians) on this reservation.

H. B. FREEMAN,
Lieutenant-Colonel Fifth Infantry, Acting Agent.

DEPARTMENT OF THE INTERIOR,
 UNITED STATES INDIAN SERVICE,
White Earth Agency, Minn., June 12, 1897.

DEAR SIR: I have the honor to acknowledge receipt of your letter dated the 10th instant, in which you request information relative to insane Indians at this agency. In reply I submit the following:

First. There are 10 insane Indians at this agency.

Second. They are cared for by their relatives.

Third. My opinion is that insanity is about as common among Indians as among whites.

Fourth. We have no special course of treatment for demented Indians.

I hope that your proposition to create an asylum for insane Indians will meet with favor.

Very respectfully,

ROBERT M. ALLEN,
United States Indian Agent.

Hon. R. F. PETTIGREW,
United States Senator, Washington.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Santee, Nebr., June 14, 1897.

SIR: In reply to your letter of the 10th instant, I would respectfully submit the following:

Q. How many insane Indians are there on the reservation under your charge?—
A. One.

Q. How do you care for insane Indians?—A. Send them to the St. Elizabeth Hospital (Government), Washington, D. C.

Q. Is insanity as common among Indians as among whites?—A. No.

Q. Have you any special course of treatment for mentally diseased Indians?—A. None.

Yours, respectfully,

JOS. CLEMENTS,
United States Indian Agent.

Hon. R. F. PETTIGREW,
United States Senator, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
New York Agency, Olean, N. Y., June 11, 1897.

SIR: Your favor of the 10th instant relating to insane Indians was received.

I have the honor to state that so far as I know there are only two or three insane Indians under my jurisdiction. There are six reservations in this State.

From my observation and knowledge upon the subject, I would say that insanity is quite uncommon among the Indians. There are 5,000 Indians in the State, and, as before stated, I know of but two or three insane Indians.

Chapter 451 of the laws of 1888 for the State of New York provides for the care of insane Indians by the State board of charities.

There is no special course of treatment for mentally diseased Indians, but the United States employs a competent physician to treat them and maintain a dispensary properly equipped with all medicines and appliances.

Very respectfully,

J. R. JEWELL,
United States Indian Agent.

Hon. R. F. PETTIGREW,
United States Senator, Washington, D. C.

UNITED STATES INDIAN SERVICE,
Nevada Agency, Wadsworth, Nev., June 15, 1897.

DEAR SIR: In reply to your communication of June 10, I have the honor to state:

There are no insane Indians on the reservation; there has been but one, and he was a born idiot, since I took charge of this agency, and he died some year or more ago.

I do not think insanity is as common among these Indians as among whites.

We have no special course of treatment of mentally diseased Indians.

Respectfully,

I. J. WOOTTEN, *United States Indian Agent.*

Hon. R. F. PETTIGREW,
Chairman Committee on Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Rosebud Agency, S. Dak., June 15, 1897.

SIR: I am in receipt of your letter of the 10th instant, making inquiry in regard to insane Indians on this reserve. In reply I would state that there is now but one insane Indian on this reservation. We have, however, two Indians from this reserve now inmates of the Government Asylum for the Insane at Washington, D. C.

I do not think that insanity is any more common among Indians than among whites.

We have no special course of treatment for mentally diseased Indians. When they become violent we place them in charge of the Indian police until such time as they can be transferred to an asylum for treatment.

Very respectfully,

CHAS. E. MCCHESENEY,
United States Indian Agent.

Hon. R. F. PETTIGREW,
*Chairman Committee on Indian Affairs,
United States Senate, Washington, D. C.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Omaha and Winnebago Agency, Nebr., June 16, 1897.

SIR: I have the honor to acknowledge the receipt of your letter dated June 10. I give the questions and answers below.

Q. How many insane Indians are there on the reservation under your charge?—A. At this time there are none. One man is at times insane, but has been well for some time. He is now away from the reservation.

Q. Is insanity as common among the Indians as among the whites?—A. It is not.

Q. Have you any special course of treatment for mentally diseased Indians?—A. We have no treatment or place of treatment for Indians mentally diseased or otherwise, and no special course.

Very respectfully,

WM. H. BECK,
Captain Tenth Cavalry, Acting Indian Agent.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Browning, Blackfeet Agency, Mont., June 15, 1897.

SIR: I have your letter of June 10, 1897, inquiring in regard to insane Indians upon this reservation. There are none that can be termed insane; we have only two at this time that can be termed off mentally, and these two go about attending to their work and caring for their families.

I do not consider that insanity is as common among the Indians as among the whites.

I have been among the Indians of the Northwest for the past forty years, and I have not seen a half dozen insane Indians in that time, and none violently insane.

I inclose herewith communications from our agency and school physicians upon this subject.

Very respectfully,

GEORGE STEELL,
United States Indian Agent.

Hon. R. F. PETTIGREW,
Chairman Committee on Indian Affairs, Washington, D. C.

UNITED STATES INDIAN SERVICE,
Blackfeet Agency, Browning, Mont., June 15, 1897.

SIR: In reply to your letter of even date, referring to insanity among Indians, I have the honor to say that I have been in contact with reservation Indians since 1878, viz, the Yankton, Rosebud, Cheyenne River, and Pine Ridge or Ogalalla Sioux in South Dakota; the Blackfeet of Montana, the Menominees and Stockbridges of Wisconsin, and the Carlisle Indian School at Carlisle, Pa. These aggregate a population of about 18,000 souls. Insanity is not nearly so common among Indians as

among whites. In this number (18,000) I have encountered only about six cases, and only two of these were sent to an asylum.

Very respectfully, your obedient servant,

Z. T. DANIEL, M. D.,
School Physician.

Hon. GEORGE STEELL,
United States Indian Agent.

UNITED STATES INDIAN SERVICE,
Blackfeet Agency, Browning, Mont., June 15, 1897.

SIR: In compliance with your verbal request, I have the honor to report that during the four years I have been here I have seen five cases of mild derangement of mind. No cases of violent insanity have come to my notice. At present there is no case on this reservation that requires confinement. I do not consider insanity as common among the Piegiens as among whites. There are no arrangements here for the special treatment of insane persons.

Respectfully,

GEO. S. MARTIN,
Agency Physician.

Maj. GEORGE STEELL,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Cheyenne River Agency, S. Dak., June 15, 1897.

DEAR SIR: In compliance with the request contained in your letter of the 10th instant, relative to certain information concerning an asylum for insane Indians, I have the honor to state that the number of insane Indians on this reservation is five, besides several epileptics who should be properly cared for.

Insane Indians are now cared for by confining violent cases in the guardhouse, while the milder cases are permitted to run at large.

It is the opinion of the agency physician here that insanity is as common among Indians as it is among whites, though in its earlier stages among Indians little or no attention is given to it.

There is no special course of treatment for mentally diseased Indians followed at this agency.

Trusting you will accomplish the purpose you have so willingly undertaken, and being at all times at your command, I am,

Very respectfully,

PETER COUCHMAN,
United States Indian Agent.

Hon. R. F. PETTIGREW,
United States Senator, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponca, etc., Agency, Whiteagle, Okla., June 14, 1897.

DEAR SIR: In reply to your communication of the 10th instant, I have to say that there are no really dangerously insane Indians among those under my charge, except one Pawnee Indian, Julia Morgan, now in an asylum in Washington City. There are three Ponca Indians here who are insane, but are not dangerous to themselves or to anyone else.

I think insanity is not as common among Indians as it is among white people.

There is no special treatment here for mentally diseased Indians; in fact, no treatment of any kind for such ailments.

Very respectfully,

J. P. WOOLSEY,
United States Indian Agent.

Hon. R. F. PETTIGREW,
United States Senator, Washington, D. C.

UNITED STATES INDIAN SERVICE,
Yankton Agency, S. Dak., June 15, 1897.

DEAR SIR: Replying to yours of the 10th instant, in relation to insane Indians of this reservation, I would respectfully state that there are none such on this reserva-

tion. I have known of only one case in this tribe during my connection with it, and he died a year or so ago.

Very respectfully,

J. A. SMITH,
United States Indian Agent.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
La Pointe Agency, Ashland, Wis., June 30, 1897.

SIR: I have the honor to acknowledge the receipt of your communication of the 10th instant, requesting statistics pertaining to insanity among the Indians under my jurisdiction.

I have had the Government farmers in charge of the seven reservations of this agency carefully investigate the matter, and their reports show that there are two insane persons belonging to the Chippewa band of Indians of Lake Superior and three harmless idiots.

Of the insane Indians one is at present confined in an asylum near Madison, Wis.

Replying to your second question, I would say that the above statistics tend to show that insanity is not as common among the Indians as among white people. There is no special course of treatment in operation at this agency for mentally deranged Indians.

Respectfully,

G. L. SCOTT,
Captain, Sixth Cavalry, Acting Indian Agent.

Hon. R. F. PETTIGREW,
United States Senate Chamber, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Flathead Agency, Mont., June 25, 1897.

SIR: Replying to your communication of the 15th instant, asking the number of insane Indians upon this reservation, etc., I have to inform you that after careful inquiry I find that at present there are eight insane persons belonging to the confederated tribes of this reservation. Two are at present confined in the State insane asylum at Warm Springs, Mont. In addition to these cases there are a number of cases of idiocy (six), and a few of mild form of insanity. I am not familiar with the statistics giving the number of white people per thousand who are insane, but as there are about 2,000 Indians living upon this reserve, I hazard the statement that insanity is not as common among Indians as among whites.

No special course of treatment other than the attendance of the agency physician is possible here, as we have no hospital or other suitable place wherein to provide and care for them.

The State courts now refuse to commit insane Indians to the State asylum, and they are perforce now indifferently cared for by relatives. There has been one instance here where an insane woman was abandoned by her relatives, and were it not for the Indian police would have left her to starve or die of exposure.

Common humanity appeals for some provision for these unfortunates, and I sincerely trust that the proposition you mention may meet with favorable consideration and an asylum established.

I have the honor to remain, very respectfully,

JOSEPH T. CARTER,
United States Indian Agent.

Hon. R. F. PETTIGREW,
Senate, Washington, D. C.

UINTAH AND OURAY AGENCY,
White Rocks, Utah, July 8, 1897.

My DEAR SENATOR: Yours of June 10 ultimo duly received. I have the honor in reply to state that there is but one insane Indian on the reservations under my charge; he is cared for by his brothers; is a hopeless case, having been in same condition for fifteen years.

Answering from my personal experience, I must say that insanity is not as common among Indians as among whites. We have no special course of treatment for mentally diseased Indians.

In submitting the above I beg permission to ask that your committee consider the matter of making suitable provision by appropriation act for carrying out the treaty made with the Uncompahgre Utes in 1880, in connection with the execution of the act of June 7, 1891, which provides for their being allotted land in severalty, reference being made particularly to the promise made to supply them with houses, farming utensils, etc.

Very respectfully,

JAMES F. RANDLETT,
Lieutenant-Colonel, U. S. A., Acting Indian Agent.

Hon. R. F. PETTIGREW,
United States Senate Chamber, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Navajo Agency, Fort Defiance, Ariz., June 28, 1897.

SIR: In reply to your letter of the 10th instant, relative to insanity among Indians, I have the honor to inform you that there are no cases of insanity among the Navajos at the present time, so far as I can ascertain, and that insanity is exceedingly rare in this tribe.

I do not think insanity is so common among Indians as among the whites.

We have no special course here for the treatment of mentally diseased Indians.

Very respectfully,

CONSTANT WILLIAMS,
Major Seventeenth Infantry, Acting Agent.

Hon. R. F. PETTIGREW,
Chairman Senate Committee on Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Shoshone Agency, Wyo., June 30, 1897.

SIR: In reply to your letter of the 10th instant, I have the honor to state that there are three insane Indians on this reservation.

There is no way of caring for them other than by issuing them extra rations and such medicines as may be administered to them by their friends under the advice of the agency physician.

The rate here is 3 to 1,700. I am not familiar with the rate among whites.

There is no special course of treatment for the insane on this reservation.

Very respectfully,

RICHARD H. WILSON,
Captain, Eighth Infantry, Acting United States Indian Agent.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Pueblo and Jicarilla Agency, N. Mex., Santa Fe, July 19, 1897.

SIR: Respectfully replying to your communication of the 10th ultimo, wherein you request information as to the number of Indians under my charge who are insane, I have the honor to inform you that I have just received returns from both agencies, covering the information required, and all concur in saying that there is not a single case of insanity now existing in any pueblo, many reports going so far as to say that a case of insanity never was heard of.

In asking for information on this subject, I was careful to make inquiries, not only of the teachers of schools, governors, and ex-governors of the pueblos, but of many who, by their long association with the different pueblos, might be supposed to possess any knowledge on the subject. Returns from all these sources unanimously agree that insanity, as an idiopathic disease, is totally unknown among these Indians. From one pueblo a case of mental unbalance is reported, the result of traumatic causes, and three others of idiocy, neither of which, however, come properly under the head of insanity.

Very respectfully, your obedient servant,

C. E. NORDSTROM,
Captain, Tenth Cavalry, Acting Indian Agent.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

FORTIFICATION APPROPRIATION BILL.

FEBRUARY 11, 1898.—Ordered to be printed.

Mr. PERKINS, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 7441.]

The Committee on Appropriations, to whom was referred the bill (H. R. 7441) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, report the same to the Senate with amendments, and present herewith statements showing the amounts estimated for these purposes in the Book of Estimates for the fiscal year 1899, the amounts provided by the bill as passed by the House of Representatives, the amounts recommended by the committee, with the items in detail of increase to the House bill, and the amounts appropriated by the fortification appropriation act for 1898.

FORTIFICATIONS, 1899.

Amount of estimates for 1899.....	\$13, 378, 571
Amount of House bill.....	4, 144, 912
Increase recommended by the Senate committee.....	4, 907, 582
Amount as reported to the Senate	9, 052, 494
Amount of appropriations for 1898	9, 517, 141
The bill as reported is less than the estimates.....	4, 326, 077
The bill as reported is less than the appropriations for 1898.....	464, 647

The items of increase recommended by the committee are as follows:

INCREASE.

Construction of gun and mortar batteries.....	\$2, 000, 000
Protection, preservation, and repair of fortifications.....	25, 000
Finishing and assembling coast-defense guns of 8, 10, and 12 inch caliber and one type 16-inch gun.....	22, 500
Oil-tempered and annealed steel for coast-defense guns of 8, 10, and 12 inch caliber.....	121, 540
Carriages for coast-defense guns of 8, 10, and 12 inch caliber.....	343, 500

Steel breech-loading mortars of 12-inch caliber.....	\$1,004,960
Carriages for steel breech-loading mortars of 12-inch caliber.....	466,400
Powders and projectiles for reserve supply	259,618
Rapid-fire guns, including their mounts	337,665
Coast-defense guns of 8, 10, and 12 inch caliber, manufactured by contract	163,419
Armor plates and deck plates for test of projectiles	6,000
Metallic carriages for machine guns	96,980
Steel field guns	60,000
Total increase	4,907,582
Amount of House bill	4,144,912
Amount as reported to the Senate	9,052,494

Comparative statement showing the appropriations for 1898, the estimates for 1899, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1899.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate Committee, 1899.
For construction of gun and mortar batteries.....	\$1,341,333	\$5,000,000	\$1,000,000	\$3,000,000
For materials and work for construction of fortifications, to meet contracts authorized by the fortification appropriation act approved June 6, 1896.....	2,500,000			
Sites for fortifications and seacoast defenses.....	300,000	500,000	300,000	300,000
Preservation and repair of fortifications.....	100,000	100,000	75,000	100,000
Plans for fortifications.....	5,000	5,000	5,000	5,000
Construction of sea walls and embankments.....	33,000	55,000	30,000	30,000
Construction of sea wall at Sandy Hook, N. J.....	75,000			
Torpedoes for harbor defense.....	150,000	150,000	150,000	150,000
Total	4,504,333	5,810,000	1,560,000	3,585,000
Armament of fortifications, namely:				
For finishing and assembling coast-defense guns of 8-inch, 10-inch, and 12-inch caliber, and one type 16-inch gun, at the Army Gun Factory....	204,092	339,500	289,000	311,500
For oil-tempered and annealed steel for high-power coast-defense guns of 8-inch, 10-inch, and 12-inch caliber.....	558,663	962,000	247,960	369,500
For payments for same under contracts	555,038			
Carriages for mounting seacoast guns of 8, 10, and 12 inch caliber.....	446,000	1,132,000	424,000	767,500
For payments for same under contracts	364,500			
Breech-loading mortars of 12-inch caliber	768,000	1,328,000	182,720	1,187,680
For payments for same under contracts	510,000			
Carriages for breech-loading mortars of 12-inch caliber.....	343,464	592,000	84,800	551,200
For payments for same under contracts	178,000			
Steel deck-piercing shell for 12-inch breech-loading mortars, under contracts.....	54,600			
Steel armor-piercing shot for seacoast breech-loading guns, under contracts	32,938			
Powders and projectiles for a reserve supply for armament of fortifications	169,868	943,691	391,000	650,618
Rapid-fire guns, including their mounts.....		995,323	208,060	545,725
For 8-inch, 10-inch, and 12-inch guns manufactured under contract.....	400,000	61,237	61,237	224,656
Steel field guns		90,000	30,000	90,000
Carriages for steel field guns.....		221,900	77,300	77,300
Breech-loading rifles, siege, of 5-inch caliber.....		32,953	11,000	11,000
Breech-loading rifled howitzer, siege, of 7-inch caliber.....		36,465	11,200	11,200
Carriages for breech-loading rifles, siege, of 5-inch caliber, including implements and equipments.....		57,705	20,000	20,000
Carriages for breech-loading howitzers, siege, of 7-inch caliber, including implements and equipments.....		65,295	20,000	20,000
Breech-loading mortars, siege, of 7-inch caliber.....		28,720	10,000	10,000
Carriages and platforms for 7-inch breech-loading mortars, siege, including implements and equipments.....		31,880	11,000	11,000
Sights for cannon.....	10,300	6,520	3,000	3,000
Fuses and primers for cannon	5,000	5,000	3,500	3,500
Inspecting instruments, gauges, and templets for the manufacture of cannon and projectiles.....	1,500	5,000	3,000	3,000
Powder for issue to the service.....	16,790	53,735	53,735	53,735
Projectiles, including shrapnel, for issue to the service.....	24,000	41,000	41,000	41,000

FORTIFICATION APPROPRIATION BILL.

3

Comparative statement showing the appropriations for 1898, etc.—Continued.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate Committee, 1899.
Armament of fortifications, namely—Continued.				
Powders and projectiles for the proof of 8-inch, 10-inch, and 12-inch guns	\$6, 650	\$42, 000	\$40, 000	\$40, 000
Powder and projectiles for the proof of 12-inch breech-loading mortars	23, 385	26, 000	26, 000	26, 000
Armor plates and deck plates for test of armor-piercing and deck-piercing projectiles	26, 000	40, 000	18, 000	24, 000
Armament chests for seacoast guns and mortars.	27, 420	26, 667	26, 000	26, 000
Purchase of machine guns of approved musket caliber, of American manufacture.....	20, 000	.....	.....	.....
Metallic carriages for machine guns, calibers .30 and .45, model 1890, with limbers and protective shields complete .....	.....	131, 980	35, 000	131, 980
Services of a chemist in investigating properties of smokeless powders and high explosives.....	1, 500	1, 500	1, 500	1, 500
Total	4, 747, 708	7, 298, 071	2, 330, 012	5, 212, 594
Proving ground, Sandy Hook, N. J., namely:				
Current expenses.....	27, 000	37, 000	27, 000	27, 000
Expenses of ordnance officers, temporarily employed there, and compensation of draftsmen..	16, 000	16, 000	16, 000	16, 000
Repairs of railroad tracks.....	3, 000	3, 000	3, 000	3, 000
Total	46, 000	56, 000	46, 000	46, 000
Watertown Arsenal, Watertown, Mass., namely:				
Enlargement and improvement of gun-carriage plant, etc.....	15, 000	65, 000	65, 000	65, 000
Extension of brick foundry shed and storehouse.	2, 000	.....	.....	.....
Brick storehouse for storage of gun carriages.....	.....	15, 900	15, 900	15, 900
Total	17, 000	80, 900	80, 900	80, 900
Watervliet Arsenal, Watervliet, N. Y., namely:				
New machinery, tools, and fixtures (including alteration and improvement of same for 1898)...	46, 500	26, 000	26, 000	26, 000
Filling, grading, and improving grounds.....	3, 000	7, 600	2, 000	2, 000
Repairs of sea wall.....	2, 600	.....	.....	.....
Total	52, 100	33, 600	28, 000	28, 000
Board of Ordnance and Fortification, expenses	150, 000	100, 000	100, 000	100, 000
Total, fortifications.....	9, 517, 141	13, 378, 571	4, 144, 912	9, 052, 494

Appropriations for fortifications for the fiscal years 1877 to 1898, inclusive.

1877.....	\$315, 000	1888.....	
1878.....	275, 000	1889.....	\$3, 972, 000
1879.....	275, 000	1890.....	1, 233, 594
1880.....	275, 000	1891.....	4, 232, 935
1881.....	550, 000	1892.....	3, 774, 803
1882.....	575, 000	1893.....	2, 734, 276
1883.....	375, 000	1894.....	2, 210, 055
1884.....	670, 000	1895.....	2, 427, 004
1885.....	700, 000	1896.....	1, 904, 557
1886.....	725, 000	1897.....	3, 377, 888
1887.....		1898.....	9, 517, 141

BALTIMORE AND POTOMAC RAILROAD CAB SERVICE.

FEBRUARY 11, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany S. 3535.]

The Committee on the District of Columbia, to whom was referred the bill (S. 3535) authorizing the Baltimore and Potomac Railroad Company to establish a cab service, and for other purposes, make a favorable report thereon.

The cab service at both the railroad stations is a disgrace to the Capital City. For sanitary reasons, the majority of the carriages should be condemned. The rates charged are exorbitant in cases where persons are not familiar with the cab regulations of the city, and the service is poor almost beyond belief. Within a short time the railroad companies have undertaken to furnish to their patrons an adequate cab service at a comparatively small expense. The rates charged by the Pennsylvania Railroad Company for service at their Twenty-third street station in New York are as follows:

SEC. 2. The rates of charges for the service rendered by said railroad company under the right granted in this act shall be as follows:

CAB SERVICE.

[Eleven blocks are equivalent to 1 mile.]

RATES OF FARE FOR HANSOM.

[By the trip.]

1½ miles or less, direct to 1 address, 1 or 2 persons.....	\$0. 25
1½ miles or less, to 2 addresses, 1 or 2 persons.....	.50
Each additional mile or fraction thereof.....	.15

[On call.]

To call at any address within 1½ miles from the railroad station, 1 or 2 passengers.....	.25
To call at any address exceeding 1½ miles from the railroad station, for each additional mile or fraction thereof.....	.15

RATES OF FARE FOR FOUR-WHEELER.

[By the trip.]

1½ miles or less, direct to 1 address, 1 or 2 persons	\$0.40
1½ miles or less, to 2 addresses, 1 or 2 persons	.70
For additional 1 or 2 passengers	.10
Each additional mile, or fraction thereof, 1 or 4 persons.....	.20

[To call, to go to station.]

To call at any address within 1½ miles from station, and go direct to railroad station, 1 or 2 passengers.....	.40
To call at any address exceeding 1½ miles from railroad station, for each additional mile or fraction thereof.....	.20

OMNIBUS.

Minimum charge for 4 persons or less, 1½-mile limit	\$1.00
Extra for each additional person	.10
Extra for each additional stop not over ten minutes	.50
For each additional mile per omnibus	.25

Valises, each 5 cents, only chargeable for when carried on top by driver. Trunks, each 10 cents. No trunks carried on hansoms.

When called to any address and detained fifteen minutes or a fraction thereof, 15 cents will be charged, and the same for each additional quarter hour or fraction thereof.

The committee recommend that the bill be amended so as to confine the company to the New York schedule of charges.

The bill was referred to the Commissioners of the District of Columbia, who make the following report:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 9, 1898.

DEAR SIR: The Commissioners have the honor to make the following report relative to Senate bill No. 3535, "authorizing the Baltimore and Potomac Railroad Company to establish a cab service, and for other purposes," which was referred to them at your instance for their views thereon.

In their judgment it would be greatly to the credit of this community and materially conduce to the comfort and convenience of the traveling public visiting the District if a cab service such as that contemplated by the bill should be established. A like system is now in operation in Philadelphia and New York.

The Commissioners have to suggest that the bill be amended by adding thereto the inclosed schedule or rates which prevail in New York for like service.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Senator JAMES McMILLAN,
Chairman Committee on District of Columbia, United States Senate.



LOCATION OF THE CAPITAL OF NEW MEXICO.

FEBRUARY 11, 1898.—Ordered to be printed.

Mr. SHOUP, from the Committee on Territories, submitted the following

REPORT.

[To accompany H. R. 4066.]

The Committee on Territories, to whom was referred the bill (H. R. 4066) to permanently locate the capital of the Territory of New Mexico, have considered the same and report:

This bill passed the House of Representatives January 27, 1898, and the report submitted by the Committee on Territories of that body, which fully sets forth the object of the bill, is adopted as part of this report, and the passage of the bill recommended.

HOUSE REPORT.

The Committee on the Territories, to whom was referred the bill (H. R. 4066) "To permanently locate the capital of the Territory of New Mexico at the city of Santa Fe, in the same Territory," having had the same under consideration, report the bill back without amendment, and recommend that the same be passed.

The people of the Territory of New Mexico were empowered by the enabling act to locate the capital, and this was done about the time of the creation of the Territory, through the legislative assembly of the Territory of New Mexico, at the city of Santa Fe, in said Territory. The said city of Santa Fe has remained continuously as such capital to the present time, and your committee reports, from information submitted to them, that a large majority of the people of the Territory of New Mexico desire that the capital shall remain as located.

The last legislature of the Territory of New Mexico but one appropriated from the Territorial funds the sum of \$75,000 to build the capitol building in the said capital. The last legislature, which sat in the year 1897, did not disturb that action, thereby practically confirming the action of the prior legislature. Bonds have been sold to erect this building, and the work is now in progress. Ten or twelve years ago an agitation began on the part of the people of Albuquerque to have the capital removed from Santa Fe to the city of Albuquerque by vote of the legislature. The agitation over this question has grown bitter, though every succeeding legislature has refused to change the capital from its present location. The contest has degenerated until it is used as a means of trading, and the best people of the Territory of New Mexico think that it is the best interest of the Territory that this contest should cease and that Congress should fix Santa Fe as the capital.

The bill was introduced by the present Delegate of the Territory of New Mexico in Congress, and his efforts have been supplemented by the recommendation to the

same effect of the present governor of the Territory of New Mexico, and a letter addressed to the chairman of this committee by the said governor is as follows:

"Hon. W. S. KNOX,

"Chairman Committee on the Territories,

"House of Representatives, Washington, D. C.

"SIR: Hon. H. B. Fergusson, Delegate to Congress from New Mexico, requests me to write you briefly my views regarding H. R. 4066, 'that the city of Santa Fe, in the county of Santa Fe and Territory of New Mexico, shall be and remain the seat of government of the Territory of New Mexico.'

"I most heartily unite with Mr. Fergusson in urging the early passage of this bill. Santa Fe has always been the capital of the Territory, and should be, and, if left to a vote of the people, would so remain, by a large majority.

"I regret to say that for years past almost every legislature has had a 'capital removal bill' introduced, which very much disturbs the business interests of the Territory, and has been the means of forcing legislation on the Territory that otherwise would not have been considered.

"Very respectfully,

"MIGUEL A. OTERO,

"Governor of New Mexico."

Your committee therefore recommend that the bill pass.

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LOCAL OR SPECIAL LAWS IN THE TERRITORIES, ETC.

FEBRUARY 11, 1898.—Ordered to be printed.

Mr. SHOUP, from the Committee on Territories, submitted the following

REPORT.

[To accompany S. 3578.]

The Committee on Territories, to whom was referred the bill (S. 3578) to amend "An act to prohibit the passage of local or special laws in the Territories, to limit territorial indebtedness, and so forth," have examined the same and recommend that the bill be passed by the Senate, with the following amendment.

Strike out all after the enacting clause and insert the following:

That the act of Congress approved July thirtieth, eighteen hundred and eighty-six, entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," is hereby amended so as to permit, authorize, and legalize the issuance of bonds by chartered municipal corporations having a bona fide population of not less than one thousand persons, as shown by the last school census taken before any election to be held under the provisions of this Act, in any Territory of the United States, for sanitary and health purposes, the construction of sewers, waterworks, and the improvement of streets. The limitations of said Act of July thirtieth, eighteen hundred and eighty-six, shall not apply to such municipal corporations: *Provided*, That before any bonds shall be issued the mayor and common council of said chartered municipal corporations shall cause an election to be held in such city or town, and the mayor and common council of such municipal corporation shall cause to be published in a newspaper of general circulation published in such city or town, a notice of the time and place or places of holding such election. Such notice shall be given at least thirty days before such election. On the question of the issuance of said bonds no person shall be qualified to vote except he be in all respects a qualified elector and owner of real or personal property subject to taxation within the municipality. In case two-thirds of the qualified voters, as above described, shall vote affirmatively for the issuance of said bonds, then the mayor and common council shall issue the same, and not otherwise. Said bonds shall contain all necessary provisions as to form, and such municipality shall provide a proper sinking fund for the redemption of said bonds. Said bonds shall not bear a rate of interest exceeding six per centum per annum, and the interest shall be paid semiannually, and none of said bonds shall be sold at less than their par value.

SEC. 2. That the act of the Territory of Arizona, approved the eighth day of March, eighteen hundred and ninety-seven, which authorizes the issuance of the bonds of the Territory for the construction of a capitol building, is hereby confirmed and ratified.

The report made by the Committee on Territories, on the 9th instant, on a similar bill, is adopted as part of this report, and is as follows:

It has been made to appear to the committee that certain cities and towns in the Territories of the United States are unable, by reason of the limitations of the act which this bill amends, to provide for themselves, without this action by Congress, sewerage or waterworks.

Several of these towns are in great need of proper waterworks, not only for sewerage purposes, but for the protection of houses from fire; that the rate of insurance, on account of the scarcity of water, is an enormous burden. The reduction in insurance rates will more than compensate the owners of property in these cities for the tax which they may voluntarily impose upon themselves.

No tax, under the operation of this bill, can be imposed except by a vote of two-thirds of the property owners voting at any election held in the city or municipal corporations, and the committee believe that with this provision no extravagance can possibly occur in the issuance of bonds. Waterworks and sewerage are absolutely indispensable to the health and comfort of many of these cities. The health and property of the citizens is in constant jeopardy. They have no means of protecting themselves in this regard except by the passage of this bill.

Your committee, therefore, unanimously recommend favorable action on the substitute herewith reported.



CHANNEL THROUGHOUT SOUTHWEST PASS OF THE MISSISSIPPI RIVER.

FEBRUARY 11, 1898.—Ordered to be printed.

Mr. PASCO, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. Res. 99.]

The Committee on Commerce, to whom was referred the joint resolution (H. Res. 99) providing for a survey and report upon the practicability of securing a navigable channel of adequate width and of 35 feet depth at mean low water of the Gulf of Mexico throughout Southwest Pass of the Mississippi River, have carefully considered the same and recommend its passage.

The reasons why the proposed survey should be made are set forth in the report from the Committee on Rivers and Harbors of the House of Representatives, which is hereto appended as a part of this report.

HOUSE REPORT.

The Committee on Rivers and Harbors, to whom was referred House joint resolution No. 99, submit the following report:

This resolution does not call for an appropriation, but the expenditure of the sum of \$10,000 out of the unexpended balance of the \$250,000 appropriated by an act entitled "An act to provide for closing the crevasse in Pass a Loutre, one of the outlets of the Mississippi River," approved February 26, 1897, for the purpose of making a survey and report upon the practicability of securing a navigable depth of 35 feet in the channel through Southwest Pass. It has been shown that the present South (jettied) Pass Channel has become insufficient in width and depth for great ships and the growing commerce of the Ohio, Missouri, and Mississippi valleys, and it has been urged that a better, deeper, more permanent channel could be made in the Southwest Pass.

Maj. James B. Quinn, district United States engineer in charge, appeared before the committee, favored the survey, and said it could be made under the sum asked for, and the committee recommend the passage of the resolution.



OLEVIA S. WASHBURN.

FEBRUARY 11, 1898.—Ordered to be printed.

Mr. PRITCHARD, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 3178.]

The Committee on Pensions, to whom was referred the bill (S. 3178) granting a pension to Olevia S. Washburn, have examined the same, and report:

This bill provides that the claimant be placed on the pension roll at the rate of \$12 per month.

She is the widow of John Dale, deceased, late private, Company C, Thirteenth Regiment Cavalry Volunteers (who died while a soldier in the said service), and as such was placed on the pension roll and received a pension at the rate of \$8 per month until the 20th day of March, 1873, when she was married to one Isaac Washburn, and on account of said remarriage her name was stricken from the roll.

The said Isaac Washburn died on the 6th day of February, 1881, leaving her without any means of support whatever.

The evidence shows that she is unable to do work of any kind, owing to disease and old age, being now 69 years old, and has no one upon whom to depend for support.

WILLS AFFECTING REAL ESTATE.

FEBRUARY 14, 1898.—Ordered to be printed.

Mr. FAULKNER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 1910.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes, make a favorable report thereon.

The bill proposes to amend the laws of the District of Columbia in regard to the probate of wills affecting real estate so as to make the law in this District conform to what has been the law in the States for upward of a century. A full discussion of the bill is to be found in the letter of Mr. Justice Hagner, of the supreme court of the District of Columbia, as given below.

SUPREME COURT OF THE DISTRICT OF COLUMBIA,
Washington, D. C., February 9, 1898.

MY DEAR SENATOR: I write you in reference to Senate bill No. 1910, Fifty-fifth Congress, first session, which I understand was referred to you and Senator Kenney as members of the District of Columbia Committee.

This bill is of great importance. Its purpose is to give to the supreme court of the District of Columbia a jurisdiction that for many years it was assumed was possessed by the orphans' court.

It has recently been settled in *Campbell v. Porter* (162 U. S., 478) that this court, when holding a special term for the transaction of orphans' court matters, is without jurisdiction to admit to probate and record a will devising real estate alone, and where personal estate is also bequeathed the probate is only operative as to personal property. The result is that in every controversy in any court of equity or law involving the disposition of real estate, devised by will, the testamentary instrument must be established in such court by the testimony of the attesting witnesses, notwithstanding the orphans' court, a branch of the same court, may have already taken the testimony of all the subscribing witnesses, and admitted the paper to probate and record as a will of personalty.

Our law in this particular is to-day substantially the same as it existed in England over one hundred and fifty years ago. In 1742 Lord Chancellor Hardwicke took occasion to denounce this divided and independent jurisdiction as a very great absurdity and expressed the wish that "gentlemen of ability would take this inconvenience

and absurdity into their consideration and find out a proper remedy by the assistance of legislation."

Lord Chancellor Baron Yelverton, referring to this situation, said in 1785: "I believe no two cases can be supposed to be more intimately connected with each other, both in unity of time and of assurance, than a will of real and personal estate written upon one and the same pieces of paper or parchment and subscribed by one and the same signature. And yet it is clear law that, though the probate of such a will is conclusive evidence of the sanity of the testator to make such a will, yet it is by no means conclusive evidence of his capacity to dispose of his real estate. And why? Evidently because the capacity of a party to do the two acts is triable by different jurisdictions. * * *

"From all of which I am warranted to lay it down as a general position that the capacity of a party to do one act is not conclusive of his capacity to do another, if his capacity as to that other be triable by a different jurisdiction, whether the two acts make one and the same assurance or are done at one and the same time or not."

The result of the unsatisfactory condition of the law on this subject is that notwithstanding the fact that a will presented for probate as to personalty, and sustained by a jury on the trial of issues attacking its validity, has afterwards been admitted to probate by the orphans' court, may yet be contested de novo in an action involving real property on the same points previously decided by a jury rendering a verdict in favor of the will.

It is essential that some remedy should be provided at once, since the act of July 8, 1888 (which it was thought by some gave greater efficacy to recorded wills), has been declared by the Supreme Court of the United States in the case above referred to to be ineffective to enlarge the jurisdiction of this court when holding special term for the transaction of probate matters in the particular referred to.

The effect of the decision in *Campbell v. Porter* has caused no little annoyance to property holders, and in many instances special proceedings have already been instituted in equity to establish wills devising real property. This proceeding is expensive and imposes an unnecessary hardship on the parties in interest.

May we bespeak your kind attention to this matter, and urge that you and Senator Kenney will interest yourselves in regard hereto at an early date?

Very respectfully,

A. B. HAGNER,
Associate Justice.

Hon. CHARLES J. FAULKNER,
United States Senate.



CARRYING, ETC., DEADLY WEAPONS IN THE DISTRICT
OF COLUMBIA.

FEBRUARY 14, 1898.—Ordered to be printed.

Mr. FAULKNER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 2798.]

The Committee on the District of Columbia, to whom was referred the bill (S. 2798) to amend section five of an act entitled "An act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes," approved July 13, 1892, make a favorable report thereon.

The bill was introduced at the instance of the Commissioners of the District of Columbia, and is intended to remedy certain defects in the law as it now stands. The reasons for seeking such legislation are given below in the letter of the Commissioners of the District of Columbia.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 9, 1897.

DEAR SIR: The Commissioners have the honor to transmit herewith a draft of a bill "to amend section five of an act entitled 'An act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes,' approved July thirteenth, eighteen hundred and ninety-two," and recommend favorable and early action thereon by your committee and Congress.

The law which this bill is intended to amend omits to make any alternative punishment in case of the failure of offenders to pay the fine imposed upon persons convicted of engaging in the business described in the law without first obtaining a license for the purpose, and to provide such punishment for licensed dealers who fail to keep the required record and make the prescribed reports. The bill submitted is designed to supply these omissions.

The bill also proposes to modify the time of making the reports from a "weekly" to a "monthly" requirement. The weekly report in many instances involves a hardship on dealers, especially on those who only sell razors, as it frequently occurs that they do not dispose of more than one a week. As the usual price for administering an affidavit is 25 cents, the requirement absorbs all the dealer's profit in the sale. The police department reports that a monthly report would be quite as serviceable for the purposes of police surveillance.

The bill further proposes to modify the law by providing that a representative of the major of police, as well as the major himself, may make inspections of the register which the dealers are required to keep.

Very respectfully,

JOHN B. WIGHT,
Acting President Board of Commissioners District of Columbia.

Senator JAMES McMILLAN,
Chairman Committee on the District of Columbia, United States Senate.

MASONIC TEMPLE ASSOCIATION OF THE DISTRICT OF
COLUMBIA.

FEBRUARY 14, 1898.—Ordered to be printed.

Mr. FAULKNER, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany S. 3472.]

The Committee on the District of Columbia, to whom was referred the bill (S. 3472) to incorporate the Masonic Temple Association of the District of Columbia, make a favorable report thereon.

The bill simply proposes to create a corporation for building a Masonic Temple in the District of Columbia. It was submitted to the Commissioners of the District of Columbia, and has been approved by them in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 4, 1898.

DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend favorable action upon Senate bill 3472, to incorporate the Masonic Temple Association of the District of Columbia, which was referred to them at your instance for their examination and report.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Senator JAMES McMILLAN,
Chairman Committee on District of Columbia, United States Senate.

BELLIGERENT RIGHTS TO CUBA.

FEBRUARY 14, 1898.—Ordered to be printed and to lie on the table.

Mr. MORGAN, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany Mr. Allen's amendment to H. R. 6449.]

The Senate referred to the Committee on Foreign Relations an amendment intended to be proposed to the consular and diplomatic appropriation bill, passed by the House of Representatives and now under consideration by the Senate Committee on Appropriations, in these words:

That a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba, and that the United States of America shall maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

In terms this proposed amendment is identical with a joint resolution which passed the Senate on the 20th day of May, 1897, was sent to the House of Representatives and referred to a standing committee of that body, where it is still pending.

In the adoption of that joint resolution the Senate, after full debate and mature consideration, performed what it conceived to be a solemn duty to our country that was demanded by a proper regard for the rights and welfare of our own people. Their love of justice, humanity, liberty, and independence of foreign oppression constrained our people to regard the persecuted native people of Cuba with earnest sympathy, and caused them to admire and applaud their heroism in the defense of their homes and families against the most atrocious violence. In this demonstration of sympathy with the cause of the republic of Cuba our people, almost with one accord, admitted their obedience to the obligations and duties of Christian civilization, and demanded the intervention of our Government against their cruel abuse and abandonment by Spain in the war of extermination now being conducted against the Cuban people.

The committee has found no reason for suggesting the modification of the action of the Senate on that resolution in any part of the history of the war in Cuba. The necessity for that action has been made more manifest, since the passage of this resolution by the terrible and un

exampled wrongs to humanity in process of perpetration by Spain against her former subjects, and now more fully realized in the extermination of noncombatants by tens of thousands, and their starvation, by military orders, in groups of hundreds of thousands, who, lingering, still live.

The Senate has nothing to regret or to modify as to the action that was taken in the adoption of the resolution now again presented for its action, and still hopefully invites the concurrence of the House of Representatives. In all parliamentary usage, and in accord with the spirit of our institutions, the Houses, in their action upon all questions presented to them, are entirely free and independent in their deliberations and votes. It is needless to say that any attempt to coerce one of the Houses of Congress by the action of the other is derogatory to the welfare of the country; and it is a high duty of each House to avoid giving to the other any reasonable ground of complaint or apprehension of such a purpose.

It is, on the contrary, an imperative duty that such a suspicion should be made fairly impossible. The Government must be supported, and the necessary appropriations for the consular and diplomatic service are of vital importance. Under existing conditions it is not an unreasonable supposition that it will be in the nature of compulsion or coercion of the House of Representatives if the Senate should place upon that bill an amendment in the same terms with the joint resolution heretofore adopted by the Senate, which is still pending in the House of Representatives.

It is more clearly a reasonable inference that such would be the purpose of the Senate, because the same effort was made in the House of Representatives, on the passage of the consular and diplomatic appropriation bill, to place this proposed amendment upon that bill, and the motion was lost through the action of that body.

The desire of the committee that the joint resolution adopted by the Senate should be adopted by the House of Representatives is earnest and unanimous, but they do not recommend that any action should be taken in the Senate that will or can in any way be considered by that honorable body as an interference with their perfect freedom and independence in their deliberations upon any measure.

The committee recommends that the proposed amendment be laid upon the table.

ROBERT KENNISH.

FEBRUARY 15, 1898.—Ordered to be printed.

Mr. TILLMAN, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 5457.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 5457) for the relief of Robert Kennish, having had the same under consideration, beg to submit the following report:

For the reasons set forth in the House report accompanying H. R. 5457, the committee recommend the passage of this bill.

House Report No. 107, accompanying this bill, is hereto appended.

[House Report No. 107, Fifty-fifth Congress, second session.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 5457) for the relief of Robert Kennish, having had the same under consideration, beg to submit the following report:

A similar bill, presented in the Fifty-fourth Congress, was favorably reported by this committee, and for the reasons set forth in said report (now adopted and made a part of this report) the committee recommend the passage of this bill.

The report is as follows:

“The Committee on Naval Affairs, to whom was referred House bill No. 5389, have had the same under consideration, and submit the following report:

“Robert Kennish enlisted and served on the U. S. S. *Restless* from November 1, 1861, to September 30, 1862. That during this period the said vessel was under the control of the Quartermaster's Department of the Army; that on the latter-named date the *Restless* was transferred from the Army to the Navy, and there is no official record of the service of the said Kennish from the said date. Mr. Kennish testifies that on the last-mentioned date he was sick and wholly unable to render any service, and that at St. Louis, Mo., he left the service, because of such sickness, with the knowledge and consent of his superior officers; that before leaving he secured a man to take his place, and that there was an understanding with some of the officials that in case he was unable to return they would send him a discharge. He further states that he never sufficiently recovered to perform military service, and never returned and never received his discharge.

“The bill has been referred to the Secretary of the Navy for information and suggestions, and the official statement shows the service as stated herein, and does not show any charges against the soldier, so that his statement of the case is corroborated by the official records.”

AUTHORIZING THE REDEMPTION, ETC., OF REFUNDING CERTIFICATES.

FEBRUARY 15, 1898.—Ordered to be printed.

Mr. TURPIE, from the Committee on Finance, submitted the following

REPORT.

[To accompany H. R. 6258.]

The Committee on Finance, to whom was referred the bill (H. R. 6258) entitled "A bill to authorize the redemption and to limit the right of conversion of refunding certificates issued under authority of the act of February 26, 1879," beg leave to submit the following report, and recommend that said bill do pass, without amendment.

This is a bill authorizing the Secretary of the Treasury to redeem in lawful money outstanding interest-bearing refunding certificates amounting on January 1 to \$44,220, with accrued interest on the same amounting to about \$32,045, issued under authority of the act of February 26, 1879, in furtherance of the refunding acts of July 14, 1870, and January 20, 1871; and also providing that the time within which such outstanding refunding certificates and accrued interest may be converted into bonds of the 4 per cent loan of 1907, as authorized by said act of February 26, 1879, shall expire on the 31st of December, 1899.

About forty millions of such refunding certificates, in denominations of \$10, bearing interest at the rate of 6 per cent, were issued in exchange for lawful money, under the authority of the act of February 26, 1879, during the process of refunding the national debt, and were made convertible, with accrued interest, at any time into 4 per cent bonds of the loan of 1907. Most of these refunding certificates were promptly presented for conversion; but some of them, generally those held in small amounts by citizens of small means, who were debarred by their location from realizing except by sales to dealers in securities, at such prices as they might be disposed to pay, have been presented in small amounts from year to year and exchanged for the bonds to which the owners are entitled, with more or less inconvenience to the Treasury; and \$45,130 of these certificates, with accrued interest to nearly the amount of the principal, were still outstanding at the close of the last fiscal year, and \$44,220 on the 1st day of January.

In order to enable the Treasury officials to close up the accounts of these refunding certificates, issued nearly nineteen years ago, and at the same time give an opportunity for the holders of the few certificates outstanding to convert them into lawful money, or, if they prefer, into 4 per

cent bonds of the loan of 1907, as provided by law, the accompanying bill, limiting the time of conversion into such bonds to the present and next calendar year, and authorizing the Secretary of the Treasury to redeem them in lawful money—no such authority now existing—is favorably reported back.

The bill is recommended by the Secretary of the Treasury.

APPENDIX.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 17, 1897.

SIR: I have the honor to transmit herewith, for such action as may be deemed proper, draft of a bill to authorize the redemption in money of the outstanding refunding certificates of the act of February 26, 1879, and to limit the time within which they may be converted into 4 per cent bonds of 1907. Recommendation to this effect was made in my annual report to Congress, page xx.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Hon. NELSON DINGLEY,
Chairman Committee on Ways and Means, House of Representatives.

[From Report of Secretary of the Treasury.]

On November 1, 1896, the amount of unmatured bonds outstanding was \$847,318,200, and the amount July 1, 1897, was \$847,320,000. This small increase of \$1,800 occurred in the 4 per cent loan of 1907, and was caused by the issue of bonds in settlement of accumulated interest on refunding certificates of the act of February 26, 1879. The amount of these certificates outstanding at the close of the last fiscal year was \$45,130, all of the denomination of \$10, and the interest due thereon was \$32,044.90. There is no provision under the law for the redemption of these certificates except by their conversion, in sums of \$50 and multiples thereof, into bonds of the 4 per cent loan of 1907; nor is there any provision for the payment of accrued interest except upon the surrender of the certificates for such conversion. The original issue amounted to \$40,012,750, and the small remainder is, no doubt, principally held in sums less than \$50, the owners of which are debarred from realizing except by sales to dealers in securities at such prices as they may be disposed to pay. To enable these holders to obtain redemption of their certificates and payment of accrued interest thereon direct from the Government, and to put an end to the small annual increase in the amount of the 4 per cent loan of 1907, it is recommended that Congress limit the time within which such certificates may be converted into bonds, and it is suggested that January 1, 1899, would be an acceptable date. It is also recommended that the Secretary of the Treasury be authorized to redeem any of such certificates in cash on presentation, and to pay the accrued interest thereon to date of redemption.

Act of February 26, 1879, to authorize the issue of certificates of deposit in aid of the refunding of the public debt.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to issue, in exchange for lawful money of the United States that may be presented for such exchange, certificates of deposit, of the denomination of ten dollars, bearing interest at the rate of four per centum per annum, and convertible at any time, with accrued interest, into the four per centum bonds described in the refunding act; * and the money so received shall be applied only to the payment of the bonds bearing interest at a rate of not less than five per centum in the mode prescribed by said act, and he is authorized to prescribe suitable rules and regulations in conformity with this act.*

* Refunding act of July 14, 1870.

ABRAHAM T. CASEY.

FEBRUARY 15, 1898.—Ordered to be printed.

Mr. BAKER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 1807.]

The Committee on Pensions, to whom was referred the bill (S. 1807) granting an increase of pension to Abraham T. Casey, of Larned, Kans., having had the same under consideration, beg leave to report as follows:

This soldier served about one year as a private in Company H, First Illinois Volunteer Cavalry, and while in the service contracted chronic diarrhea, from which, with its attendant results of piles and rheumatism, he has continued to suffer ever since. After the close of the war he met with an accident by which he lost his right arm, and another accident shortly afterwards greatly injured his left arm.

He is a pensioner under the act of June 27, 1890, at the maximum rate of \$12 per month. A medical board, December 20, 1889, found chronic diarrhea to exist, and another board on December 31, 1890, rated him thirty-six eightieths for loss of right arm and five-eightieths for injury to left arm. Since that time his disabilities have increased, and he is now almost helpless.

His application to Congress is accompanied by a petition signed by nearly seventy of the most influential citizens of Larned, setting forth the fact of claimant's disabilities and his present incapacity to perform any labor. The petition also states that he has an invalid wife who requires constant care and medical attendance, and that claimant has no property and his sole income is his pension of \$12 a month.

Your committee, taking all these facts into consideration, believe this to be a worthy case, and therefore recommend the passage of the bill, with amendment, at \$20 per month.

MRS. ANNA M. DEITZLER.

FEBRUARY 15, 1898.—Ordered to be printed.

Mr. BAKER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 2948.]

The Committee on Pensions, to whom was referred the bill (S. 2948) granting an increase of pension to Mrs. Anna M. Deitzler, of Berkeley, Cal., having had the same under consideration, beg leave to report as follows:

The beneficiary of the bill is the widow of the late George W. Dietzler, who served as colonel of the First Kansas Volunteers from August 31, 1861, to April 4, 1863, and who was brigadier-general of volunteers from April 4, 1863, to August 27, 1863, when he was discharged for disability incurred in the military service. He was severely wounded in the battle of Wilsons Creek, Missouri, and incurred a very severe case of chronic diarrhea near Vicksburg, Miss., about June 1, 1863.

This officer was pensioned during his lifetime at the rate of \$30 per month. He was killed April 10, 1884, by being thrown from a buggy.

This claimant is pensioned under the act of June 27, 1890, at the rate of \$8 per month.

The soldier having been killed by accident, and his death not being due to disabilities incurred in the service, the widow is not eligible under the old law.

The claimant is old and poor, having no support except that derived from her small pension of \$8 per month.

General Deitzler was a gallant soldier, who served his country faithfully during the late war, and it is but just that this Government should provide a reasonable sustenance for his widow. The rate provided for by this bill, as amended, is not unreasonable, and the committee recommend the passage of the bill, with amendment, at \$30 per month.

WILLIAM BLADES.

FEBRUARY 15, 1898.—Ordered to be printed.

Mr. BAKER, from the Committee on Pensions, submitted the following

R E P O R T.

[To accompany S. 2573.]

The Committee on Pensions having considered the bill (S. 2573) granting an increase of pension to William Blades, to whom it was referred, make the following report:

A bill of like character was introduced to pension William Blades in the Fifty-fourth Congress (H. R. 9717), and was reported favorably by the Invalid Pensions Committee with an amendment making the rate \$30.

Your committee adopt the House report, a copy of which is hereto attached, and recommend that the bill under consideration be amended in line 7 by striking out the word "fifty" and inserting the word "thirty," and as thus amended recommend its passage.

[House Report No. 2571, Fifty-fourth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9717) granting an increase of pension to William Blades, having carefully considered the facts presented, respectfully report:

William Blades enlisted as a private in Company B, Third Missouri Volunteer Cavalry, December 16, 1861, and was honorably discharged December 20, 1864, after three years' arduous service.

He applied for pension August 11, 1890, alleging rupture in right side, stiff joints and limbs, and affected hearing of both ears, contracted in the service in line of duty, and the board of examining surgeons at Lyons, Kans., rated him, July 8, 1891, at eight-eightieths for hernia right side, and fifteen-thirtieths for partial deafness of both ears, and find him at that date 76 years of age, and affected with some rheumatism and pharyngeal catarrh, and the action of his heart irregular, intermitting every third or fourth beat.

The medical and lay testimony filed in the Pension Bureau shows him totally incapacitated for any kind of manual labor in 1890.

He was pensioned under the act of June 27, 1890, at \$12 per month for hernia and senile debility.

He has a record of having been in hospital from January 1, 1863, to February 28, 1863, and as attached to hospital as cook in August, 1863; but no record is found of the disabilities for which he was treated. Like hundreds of others who were late in

applying for pension, he is now unable to establish his disabilities as due to service origin.

The medical and lay testimony filed with the committee shows this soldier now paralyzed and totally helpless, confined to his bed since June 27, 1896, and requiring the constant aid and attention of another person.

The committee, in consonance with numerous precedents, recommend the passage of the bill, with an amendment striking out the word "seventy-two," in line 7, and inserting the word "thirty" in lieu thereof.



SARAH R. BURRELL.

FEBRUARY 15, 1898.—Ordered to be printed.

Mr. BAKER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 1070.]

The Committee on Pensions, to whom was referred the bill (S. 1070) granting a pension to Sarah R. Burrell, of Wichita, Kans., have considered the same and report as follows:

This bill was introduced in the Fifty-fourth Congress as a House bill, and was favorably reported by the Invalid Pension Committee. A copy of the report follows, and your committee adopt the same and recommend the passage of the bill.

[House Report No. 2858, Fifty-fourth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3586) granting a pension to Sarah R. Burrell, having considered the same, respectfully report:

Sarah R. Burrell is the widow of Andrew J. Burrell, who enlisted as first lieutenant of Company A, Fiftieth Indiana Volunteer Infantry, September 12, 1861; mustered into service December 31, 1861; promoted to captain same company May 1, 1862, and who resigned on account of ill health and was honorably discharged April 3, 1863.

He applied for pension for chronic diarrhea and piles February 9, 1871, alleging that they were contracted in service in January, 1862. He was granted leave of absence January 16, 1862, on certificate of surgeon that he was suffering from hemorrhoids and probably would not be fit for duty for thirty days. He returned to duty and was promoted to be captain on May 1, 1862. During the winter of 1862 and 1863 he was in hospital with diarrhea and piles, and his resignation was accompanied by the following certificate:

MEDICAL DEPARTMENT, FIFTIETH INDIANA INFANTRY,
February 25, 1863.

I hereby certify that I have carefully examined A. J. Burrell, captain Company A, Fiftieth Regiment Indiana Infantry, and find him unable to perform the duties of his office, in consequence of frequent profuse hemorrhages of the bowels. In January, 1862, he had an attack which rendered him unfit for duty three months. Since that time he has not been able to make any march without a recurrence of the disease. The disease existed prior to entering the service, but has been greatly aggravated by camp life.

WM. C. FLACK,
Surgeon, Fiftieth Indiana Volunteer Infantry.

A volume of testimony was filed in his claim, and after ten special examiners had handled it and secured more or less contradictory evidence as to whether or not soldier was sound at enlistment, his claim was rejected on the ground it was not satisfactorily shown that alleged diseases were of service origin.

In the first session of the Forty-ninth Congress the committees of House and Senate favorably recommended a bill (S. 1826), and he was pensioned by special act and rated at \$20 per month.

Soldier's pension was increased in the Pension Bureau to \$30 per month from January 4, 1888, for chronic diarrhea and resulting piles.

He filed a claim May 21, 1890, for additional pension for disease of heart, spleen, and stomach, resulting in general debility and nervous derangement, the result of pensioned causes, but died May 17, 1892, before claim was adjudicated. His attending physician testified that he "died of malignant disease of liver, which trouble acted in conjunction with, and was hastened and aggravated by, if not actually caused by (his family history being good) indigestion and chronic diarrhea, with which disabilities said soldier was afflicted. He was also troubled with piles until the very last."

The widow's claim has been rejected on the ground that "best obtainable evidence, aided by special examination, fails to show that soldier's death was a result of his military service."

After a careful examination of the facts in this case, your committee believe that the act of the Forty-seventh Congress in pensioning the soldier for the disabilities claimed (chronic diarrhea and piles) as being due to his military service was the correct and warrantable conclusion from the evidence, and as we believe that the death of the soldier resulted from these causes, and as it has been shown to the committee that the widow is now 64 years of age, and all the property she possesses is a lot in Hyde Park, Ill., worth not to exceed \$450, from which no income is derived, and four lots worth \$10 each in Carey's addition to Wichita, Kans., from which she receives \$1 per annum, we recommend the passage of the bill.



BARNEY SMITH.

FEBRUARY 15, 1898.—Ordered to be printed.

Mr. BAKER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 2813.]

The Committee on Pensions, to whom was referred the bill (S. 2813) granting a pension to Barney Smith, have considered the same and make the following report:

A like bill was introduced in the House in the Fifty-fourth Congress (H. R. 4530) and was reported favorably by the Committee on Invalid Pensions.

A copy of the report is hereto attached, and your committee adopt the same and make it a part of this report, and recommend the passage of the bill with an amendment, by striking out the word "seventeen" in line 8, and inserting in lieu thereof the word "twelve."

[House Report No. 2859, Fifty-fourth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4530) granting a pension to Barney Smith, having considered the same, report:

This soldier claims to have enlisted as a private in Company E, Eighth Tennessee Infantry, or Company E, Tenth Tennessee Volunteer Infantry, on November 1, 1864, and was honorably discharged March 1, 1865.

The facts in the case, as shown by proof, are that Capt. Samuel Erwin enlisted this man, and on the next day after enlistment took Barney Smith and other recruits and started for Atlanta, Ga. On arrival at Atlanta they found that the troops had returned to the vicinity of Nashville, Tenn. On their return to Horse Shoe Bend, between Chattanooga and Nashville, the train on which they were riding was attacked by the enemy and wrecked, and in the engagement the claimant received a bayonet wound of forehead and a gunshot wound of left wrist and a fracture of the left shoulder blade.

On arrival at Nashville the hospitals were all much crowded, and Captain Erwin was unable to secure admission for claimant to any hospital, and secured and gave claimant a discharge. This the claimant lost en route to Columbus, Ohio.

The War Department fails to find claimant's name on the rolls of either organization alleged, and a copy of claimant's discharge or the order granting it can not be found. For this reason the Pension Bureau has rejected his claim for pension. The claimant is an ignorant man, unable to read or write, and laboring under mental difficulties which prevented his securing proof of his service and discharge to satisfy the War Department.

The board at Larned, Kans., who examined him February 18, 1891, rated him four-eighths for gunshot wound of left shoulder, ten-eighths for gunshot wound of wrist, and two-eighths for piles.

Medical testimony shows that in addition to his wounds the claimant is suffering with severe case of piles and heart disease, and is unable to perform any kind of manual labor.

It is believed from the testimony that this soldier enlisted as alleged, but before being mustered into service he received the wounds and injuries alleged, and, not having been mustered in owing to the improbability of his being able to perform military duty, he was informally discharged.

As a gunshot wound in battle has long been considered equivalent to formal muster into service, the committee recommend the passage of the bill without amendment.



MICHAEL LOCHARD.

FEBRUARY 15, 1898.—Ordered to be printed.

Mr. BAKER, from the Committee on Pensions, submitted the following
REPORT.

[To accompany S. 1608.]

The Committee on Pensions, to whom was referred the bill (S. 1608) granting an increase of pension to Michael Lochard, have considered the same and report as follows:

This bill was presented as a House bill in the Fifty-fourth Congress, first session, and was favorably reported by the House Invalid Pensions Committee, a copy of which report follows.

Your committee adopt the House report and recommend the passage of the bill.

[House Report No. 1916, Fifty-fourth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7627) granting a pension of \$12 per month to Michael Lochard, late private in Company H, Third Ohio Volunteer Cavalry, having examined and considered the facts presented, respectfully report:

Michael Lochard enlisted August 20, 1861, and was honorably discharged October 3, 1864.

He filed a claim for pension April 13, 1888, alleging measles in service, resulting in disease of lungs and heart, and an injury to back. His claim was admitted January 9, 1891, at \$4 per month from April 13, 1888, for disease of lungs.

The board of examining surgeons at Osborne, Kans., March 1, 1890, rated him four-eighths for disease of lungs and four-eighths for lumbago, which diseases were fairly established by proof as due to army service.

He filed claim April 13, 1892, under act of June 27, 1890, for disease of lungs, disease of heart, sciatica, and general debility. This claim was rejected March 2, 1894, on the ground of "no ratable disability shown under act of June 27, 1890."

The board of examining surgeons at Stockton, Kans., December 2, 1891, rated him four-eighths for disease of lungs, six-eighths for disease of heart, and four-eighths for rheumatism and lumbago.

Two other boards examined him since, and find disease of lungs, disease of heart, and rheumatism or lumbago; and the last one finds chronic bronchial catarrh, and rheumatism affecting arms, shoulders, hips, back, and legs, and chronic diarrhea, but, under instructions, give no rating, but leave the impression that this man was rated too low.

Other testimony filed clearly shows this man suffers much from the disabilities alleged, and the committee unhesitatingly recommend the passage of the bill without amendment.

1877
2000

REPORT

Presented to the Board of Directors

of the Corporation for the year ending

1877

1877

The Board of Directors of the Corporation has the honor to acknowledge the receipt of the Report of the Officers and Directors for the year ending 1877, and to express its appreciation of the efforts of the Officers and Directors to promote the interests of the Corporation.

The Report of the Officers and Directors for the year ending 1877, shows that the Corporation has been successful in its operations, and that the assets of the Corporation have been increased. The Board of Directors has the honor to express its appreciation of the efforts of the Officers and Directors to promote the interests of the Corporation.

EXTENDING THE USES OF THE MAIL SERVICE.

FEBRUARY 16, 1898.—Ordered to be printed.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, submitted the following

REPORT.

[To accompany S. 460.]

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 460) to extend the uses of the mail service, have considered the same and report it favorably to the Senate.

A bill similar in its provisions was introduced in the Senate by Senator Vilas, of Wisconsin, in the Fifty-fourth Congress, reported favorably from this committee, and passed unanimously.

The general argument in favor of the experiment proposed was fully set forth in a report of the Committee on the Post-Office and Post-Roads of the House of Representatives of the Fifty-fourth Congress (No. 1382), which this committee adopt and annex hereto, with the expression of their belief that the proposed system will be found convenient for business men, and that the limitations in connection with its trial are such as to expose the Government to no serious risks.

[House Report No. 1382, Fifty-fourth Congress, first session.]

The object of this proposed legislation (which requires no appropriation of Government money, immediately or prospectively, so far as said association is concerned, as your committee is assured) is to enable the association to furnish the trades people of the United States a convenient and cheap method of soliciting trade by mail, and the public a convenient and inexpensive method of placing orders. To accomplish these purposes the association asks the use of the United States mails, under such provisions as will give absolute security as to payment of postage to the Government, and under such rules and regulations as may be prescribed by the Postmaster-General.

It is the intention to furnish business men with the coupon cards and envelopes of this association for trade purposes, and it is desired by the bill (H. R. 4176) to allow the postage upon all such cards and envelopes to be paid through the association at the office of delivery.

It seems to your committee that the plan is very simple. We do not think its adoption would interfere with or cause any friction in the machinery of the postal service, as it is free from complicated details and cumbersome methods. It is in line of progress in postal appliances.

At the office of mailing all fourth-class postmasters would include the coupons with canceled stamps, and take credit for the same.

At the office of delivery the coupons are detached and the mail delivered, and an agent of the association will each day pay the postage represented by such coupons.

A similar bill to the one under consideration, exclusive of the amendments herein suggested by your committee, was introduced in the Fifty-third Congress by Hon. John S. Henderson, of North Carolina, who was at that time chairman of the Committee on the Post-Office and Post-Roads, and which bill received, in the third session of that Congress, the unanimous recommendation of that committee to the House in favor of its enactment into law, but owing to the lateness of the session the bill failed of passage.

The amendments herein proposed by your committee are in line with amendments suggested by Postmaster-General Wilson in a favorable report upon the bill under consideration, received from him under date of April 13, 1896, in response to a reference of the same to him under date of January 29, 1896, for an expression of his opinion thereon.

Your committee is of the opinion that the legislation herein recommended is another progressive step in keeping with the recommendation of Postmaster-General Wilson in his annual report for the fiscal year ended June 30, 1895, "that authority for the use of private post cards in our mails be granted by Congress."

Postmaster-General Wilson also in his letter on the bill to your committee, under date of April 13, 1896, says:

The plan has the indorsement of a number of business firms and corporations on the ground that it opens better and more economical facilities for correspondence and for the placing of orders between merchants and tradesmen and their customers.

It may be concluded that the Post-Office Department should look with favor on any proposition which may accomplish these results, provided it secures undoubted protection to public revenues, holds out a substantial promise of increasing these revenues, and does not run counter to any well-recognized or inviolable principle of public policy.

It is estimated that millions of dollars are invested by business men each year in postal cards and stamped envelopes, which are inclosed in letters for answers in solicitation of trade or information, and that only 10 per cent of these cards and envelopes are returned to the original senders, thus 90 per cent of this vast sum is lost to those who utilize the mail for these purposes; nor does the Government gain by such loss, for these stamped envelopes may be redirected or exchanged at any post-office for stamps, while the addressed cards thus sent out are purchased and bronzed, and sold upon the market. This great waste to business men has been a serious discouragement, and to obviate it, the system presented in this bill has been devised. If carried into practical operation it will not only relieve this embarrassment to business, but encourage an extensive expansion of the use of the mails for the purposes indicated; and it must be evident that the business men of the country desire such legislation, because hundreds of letters from leading houses in all branches of trade in the United States have been presented to your committee, urging favorable consideration of the bill.

The demand being evident for the enactment of such legislation, it only remains to determine whether said legislation shall give ample security to the Government that the postage will be paid at the office of delivery. The bill provides that the association shall give a bond of ample security for the redemption of the coupons taken from the cards and envelopes, and also shall keep a sum in cash, deposited as the Postmaster-General may direct, sufficient in amount for the redemption of such coupons. This practically amounts to a prepayment of postage upon all mail matter furnished the public by this association, and thus no serious departure from the well-established policy of the Government in demanding compulsory prepayment of postage is inaugurated by the adoption of this system.

The advantages to the Government in the increase of revenue secured by the adoption of this system seems of the greatest importance. Among the many indorsements of the association's plan is one from the business manager of the Chicago Record (printed in appendix), in which he says that journal is now sending out 500,000 letters each year with reply postal cards, and he says if this proposed system shall be legalized by the Government they will probably send out five times as many. Now, if all these were local letters, and if the accompanying table (A),

compiled from the reports of the Postmaster-General, be correct, at least seven-eighths of the money paid by this journal for postage is a net profit to the Government; in other words, the net postal revenue from this source under the present system is \$8,750. Provided the management of the Record actually sent out five times the amount of mail matter indicated in its letter under the proposed system, the profits would be five times as much, or \$43,750, from which amount should be deducted the Government's profit of 90 per cent of the 500,000 postal cards inclosed for replies, but never returned to the Record. Not considering the cost of the cards (32.87 cents per 1,000) or the expense of handling them, the 90 per cent profit would be \$4,500, which, added to the profits on the 500,000 letters now sent out (\$8,750), gives under the present system a net profit of \$13,520. Deduct this from the profit under the proposed plan, and a net gain in revenue of \$30,500 is shown.

An hundred times this result for the business men of the entire United States would give an annual increase of \$3,500,000 net postal revenue, and it might not be extravagant to say that the stimulus thus given to mercantile and commercial interests throughout the whole country would approximate \$30,000,000 net revenue.

From this statement of the Chicago Record as to the increased mail matter which they will send out under the advantages offered by the allowance of these coupon cards or envelopes to pass through the mails under the provisions of this bill as amended it will be seen that a new avenue for a large increased sale of postage stamps is opened up in all parts of the country in the solicitation of both local and out-of-town orders or trade by mail. In other words, in the opinion of your committee, the adoption of this new system has a twofold way of producing greatly increased revenue to the Post-Office Department which it is not to-day receiving, viz, by increased sale of stamps to the large business public and the payment to the Government by said association of the postage represented by each and every coupon passed through the mail and duly canceled as other matter passing through the mails.

The revenue to the Government from the redemption of these coupons will be decidedly greater than on any other class of matter handled by the Government, inasmuch as it is all first-class matter, and the Government is saved the expense of making, printing, storing, or handling of either the envelopes or cards prior to their transmission through the mails for only reply or order purposes. Many business men who do not now use the mails for the solicitation of trade orders, will by the use of this new system, in the opinion of your committee, be thus given an incentive or stimulus, by reason of the rivalries of competition, to convenience possible patrons, customers, or consumers at the expense of the business man receiving the orders for trade or replies to inquiries which as a rule concern more those to whom they are made than those making them.

In addition to the use to which it would be put by wholesale dealers, manufacturers, newspapers, etc., this system would be utilized by local dealers in all the free-delivery towns, as cards could be distributed to the public at a slight cost by which orders could be mailed at the nearest letter box, thus creating a great public convenience and largely increasing the Government revenues from a source entirely unapplied at the present time.

Your committee fully agree with the following advanced views pertaining to postal affairs, expressed in their reports by Postmasters-General Vilas, Wanamaker, Bissell, and Wilson, all of which are in harmony with the recommendations of this report.

In his report for the year 1885 (pp. 50, 51) Mr. Vilas said:

It is obvious that the postal service is of a general public value which is only the combined sum of its usefulness to particular persons whose errands it performs. The chiefest feature of this general kind is the common good which arises from the dissemination of intelligence, the spread of intercourse, and the increase of facilities for procuring the small things which bestow the comforts of life, resulting in the diffusion of a greater happiness among all the people.

Referring to what he was pleased to term the primary object of the postal service, Mr. Vilas, in the same report (pp. 57-62), among other things, said:

* * * It is the service of the people. * * * It is due to them * * * that the most valuable systems and methods which the ingenuity of man has produced or shall invent to enlarge the scope and facilities or augment the efficiency of their postal service that the Constitution authorizes the employment of shall be put to their use with as little delay as prudent preconsideration requires and with no reluctance to incur the necessary expense for the establishment.

* * * The people will welcome every new attempt, even though highly experimental, to advance the utility of their service.

Postmaster-General Wanamaker, in his report for 1889 (pp. 8, 9), speaking of what a Postmaster-General might do who was "relieved of the dead weight of numberless details," said, among other things, that—

He would do the planning, originate new ideas, and inaugurate new methods * * * and give constantly the touch of life to the entire system, making it more representative of the commercial energies and social requirements of the American people. He would ascertain by investigation, study, and experiments, and by encouraging inventions, possible improvements that would make the postal organization an agency of larger service and greater convenience. * * * He would * * * lift the entire service into a larger usefulness for the people and a larger increase for itself.

In his report for the fiscal year ended June 30, 1894, Postmaster-General Bissell says:

So intimately is the postal service connected with the business interests and affairs of the country that whatever conditions affect them are immediately reflected in the volume of postal revenue.

In his report for the fiscal year ended June 30, 1895, Postmaster-General Wilson, speaking of the chief cause of the yearly deficiency in postal revenue, says:

I may add that while the people rightly expect the Post-Office Department to earn as nearly as possible its running expenses, they none the less demand that it shall provide adequate and ample mail facilities and shall be constantly on the alert to advance and increase the service it renders to them.

While the proposed improvement in postal administration presented by this bill is somewhat of a change from present methods, yet there is nothing intricate or onerous in its practical operation, and very little, if any, extra clerical service required, and evidently an increase of revenue is obtained, therefore your committee feels constrained to ask favorable legislation for the like good reasons presented unanimously by the Committee on the Post-Office and Post-Roads of the House to the Fifty-third Congress, viz:

First. It would facilitate the use of the mails for business and trade purposes.

Second. It would enable tradespeople to do over 80 per cent more business with the same expenditure.

Third. It would give to local dealers a new system of soliciting orders from their customers.

Fourth. It would serve the convenience of the public in mailing their

APPENDIX B.

Washington, D. C., _____ 189 .	
Please deliver to No. _____	
_____ Ton _____	Coal
_____ Cord _____	Wood
Name _____	
Address _____	

RICHARD ROE,
 DEALER IN
WOOD AND COAL.

APPENDIX C.

Commercial Envelope. UNLAWFUL TO CHANGE ADDRESS. USE THIS ENVELOPE IN ANY BUSINESS CORRESPONDENCE WITH US. POSTAGE GUARANTEED. U. S. ECONOMIC POSTAGE ASSOCIATION, <i>Atlantic Building,</i> WASHINGTON, D. C.	THIS COUPON IS TO BE DETACHED BY POSTMASTER. Check or Token  Two Cents. No Stamp Required. GOOD FOR POSTAGE WHEN DELIVERED TO ADDRESSEE. UNITED STATES ECONOMIC POSTAGE ASSOCIATION, WASHINGTON, D. C.
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APPENDIX D.

[The Chicago Record. Victor F. Lawson, publisher, 181 Madison street, Chicago.]

CHICAGO, July 3, 1894.

DEAR SIR: We believe the plan outlined in your letter of the 26th ultimo to Mr. F. H. Childs, of Chicago, would be of great value to business men who use the United States mails to any large extent, and more especially to newspapers. It is certainly more nearly in accordance with justice than the one under which we are at present operating, in the respect that it contemplates that the Post-Office Department shall be paid postage only on matter they actually carry. At present it gets paid for a vast amount of matter it does not carry. The businessman who pays this money naturally restricts his expenditures in this direction as far as practicable, and the Government thereby loses the business it would otherwise get in the largely increased volume of mail which would be sent out, provided the expense on the replies would be restricted to what are actually received. In our business we send

out perhaps 500,000 letters each year containing return postal cards. It is likely that if we were obliged to pay postage on the cards returned to us only, we would send out five times as many.

Yours, truly,

ALBERT G. BEAUNINE, *Business Manager.*

Mr. A. F. CHILDS,

Assistant Secretary U. S. E. P. Association, Washington, D. C.

KAOLIN MINES, NEAR BEDFORD, IND., *October 22, 1895.*

DEAR SIR: Your letter, with literature of The United States Economic Postage Association, including Congressional report of Committee on the Post-Office and Post-Roads, came to hand some time ago. Much private business has prevented an answer until now.

It appears that the three elements involved in such an enterprise are fairly represented in equity by this plan. These are:

Certain payment to United States Postal Department for work actually performed;
Relief of the patrons from payment for work not performed; and

A living profit to the association that maintains this adjustment in equity between Government and people.

These ends being fairly met it seems objections are silenced and both Congress and the Executive would be satisfied to make the bill a law.

Yours, truly,

J. GARDNER.

A. H. DAVIS, Esq., *Washington, D. C.*

CITIZEN'S NATIONAL BANK,
Charleston, W. Va., October 16, 1895.

DEAR SIR: I have carefully examined the plans proposed by your company for the betterment of postal facilities, and I am greatly in hopes that your efforts may be crowned with success. It seems self-evident that the system, if adopted, will result in an increase of revenue for the Government, and at the same time individuals or corporations using it will have the satisfaction of knowing that their postage accounts for each year will represent payments that have been made exclusively for their own use and benefit.

With best wishes for your success, I remain,

Yours, truly,

NEIL ROBINSON.

JOHN P. STOUT, Esq.,

Managing Director of the United States Economic Postage Association.

CHICAGO, *September 21, 1894.*

GENTLEMEN: We have examined your proposed commercial envelope and postal card with coupon postage stamp, and it is our opinion that such a device will confer untold advantages upon the business houses of the United States.

The points in favor of the device are so obvious that it is hardly necessary for us to even mention them; suffice it for us to say that you have our support in this matter, and if there is anything we can do to aid you in creating a popular feeling toward it, advise us.

Yours, truly,

MONTGOMERY WARD & Co.,
WM. C. THORNE, *General Manager.*

UNITED STATES POSTAGE ECONOMIC ASSOCIATION,
Washington, D. C.

THE STATE NEWSPAPER CO.,
Richmond, Va., February 17, 1896.

DEAR SIR: I have examined the scheme of your association with reference to addressed envelopes and postal cards, and it impresses me as being practicable and very desirable to business men.

The best testimonial that I can give is that I believe that our own correspondence would be increased at least 50 per cent should the Government adopt your device.

Yours, very truly,

W. S. COPELAND,
President State Newspaper Co.

Mr. JOHN P. STOUT,
Secretary United States Economic Postage Association, Washington, D. C.

BALTIMORE, May 10, 1895.

DEAR SIR: I have read with great care the description of the device of your association relative to addressed envelopes and postal cards, and am favorably impressed with it.

During my incumbency as postmaster of this city for nearly five years I was frequently importuned to redeem large quantities of addressed postal cards which, of course, I could not do, and the purchasers lost the amounts they had paid for same. The adoption of your system would obviate such losses as these, and also the greater loss from the destruction and failure to properly use addressed cards and stamped envelopes.

In my opinion, your invention would be welcomed by the business community, and the postal revenue would be largely increased by its adoption without entailing upon the Post-Office Department any additional labor.

Yours, very truly,

W. W. JOHNSON.

JOHN P. STOUT, Esq.,
Secretary United States Economic Postage Association, Washington, D. C.

CHESAPEAKE AND OHIO RAILWAY COMPANY,
Richmond, Va., January 29, 1896.

DEAR SIR: Having examined your economic postal plan, it gives me pleasure to say that my opinion is that it is entirely practicable and will be the means of saving a considerable sum to firms and corporations soliciting replies to inquiries and advertisements. During the World's Fair I could have used your system to very decided advantage in the solicitation of business, which we did very largely through the mails.

Yours, truly,

JNO. D. POTTS,
Division Passenger Agent.

Mr. A. F. CHILDS,
*Assistant Secretary United States Economic Postage Association,
Washington, D. C.*

MICHIGAN MUTUAL LIFE INSURANCE CO.,
Detroit, Mich., March 29, 1895.

DEAR SIR: I have noticed your system of coupon cards and envelopes intended to prevent or modify what is now a serious loss to business concerns which use the ordinary postal cards and stamped envelopes for return communications. Allow me to wish you success in your efforts to obtain the favorable legislation necessary to your purpose, which is certainly a meritorious one.

Yours, respectfully,

O. R. LOORKER, *President.*

JOHN P. STOUT, Esq.,
Secretary United States Economic Postage Association, Washington, D. C.

WHEELING, W. Va., January 9, 1896.

DEAR SIR: In going over your plan of postage, it strikes us that it is something for which the large manufacturing and commercial firms of the country have been looking for for a number of years.

The great object of every business man nowadays is to curtail expenses in every possible manner, and I don't think there is anything that piles up faster in a small way than the matter of postage.

In looking over your system, as it had been presented by Mr. R. J. Purcell, I am convinced that could the Government be induced to adopt same, they would have the heartfelt thanks of every manufacturing and business man in the United States. I certainly wish them a great deal of success in pushing the plan through.

I am, yours, very truly,

GEO. K. McMECHEN & SON CO.,
W. B. McMECHEN, *Secretary and Treasurer.*

JOHN P. STOUT, Esq.,
*Manager and Director United States Economic
Postage Association, Washington, D. C.*

EXECUTIVE DEPARTMENT, MAYOR'S OFFICE,
New Haven, Conn., March 5, 1896.

UNITED STATES ECONOMIC POSTAGE ASSOCIATION,
Washington, D. C.:

My attention having been called to the proposed new system of return-mail matter, I have, after consideration, arrived at the conclusion that it would prove one of the most practical accommodations that could be introduced into the postal service, and no doubt would be more and more appreciated as its advantages became known. In fact, the very idea of such a plan and its wide scope must favorably impress all clear-minded persons and tend to aid and increase business and greatly benefit the Post-Office Department. The Government should at as early a date as possible adopt the system.

A. C. HENDRICK, *Mayor.*

CINCINNATI, *March 27, 1896.*

DEAR SIR: After carefully examining the plan of the United States Economic Postage Association I am of the opinion that the system will be of great benefit to the business community and will increase the postal revenues of the Government. I trust it will soon be in operation.

Yours, truly,

H. A. PERKINS.

Mr. J. P. STOUT,
Secretary United States Economic Postage Association, Washington, D. C.

CAPT. ALFRED C. BROWN.

FEBRUARY 16, 1898.—Ordered to be printed.

Mr. WARREN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 3226.]

The Committee on Claims, to whom was referred Senate bill 3226, having had the same under consideration, respectfully beg to report as follows:

The schooner *C. G. White* was wrecked off the southwest coast of Kadiak Island, Alaska, on the 13th day of April, 1895. Her crew of American seamen were rescued by Capt. Alfred C. Brown, at great expense to himself. Eleven of the crew were transported by him in his schooner from the place they were wrecked to port of Wood Island, the nearest place where they could obtain medical aid, some of the crew being badly frozen, rendering amputations necessary. All of the crew would have perished had they not been rescued by Captain Brown and served with necessaries, relieved, protected, and transported to Wood Island by him.

The Auditor of the Treasury for the State and other Departments, in his annual report on the 13th day of June, 1895, recommended as follows:

RELIEF OF SHIPWRECKED SEAMEN IN ALASKA.

Among the appropriations for the Department of State is one for the protection of American seamen in foreign countries. I respectfully recommend that this appropriation be made in the future to apply to American seamen who may be shipwrecked on the coast of Alaska. Most of that Territory is remote from any other parts of the United States, and it has a very extensive and sparsely settled coast line, with few ports, but little local shipping, and only rare opportunities offered seamen to reship. Claims have frequently been presented from Alaska, for the relief and transportation of seamen, wherein it was a peculiar hardship to the claimants not to be reimbursed the expenses, but there has been no appropriation available for that purpose.

In pursuance of this recommendation of the Treasury Department, Congress appropriated, in the act making appropriations to supply deficiencies for the fiscal year ending June 30, 1897, the following:

Payment to the North American Commercial Company: To pay the North American Commercial Company for supplies and necessaries furnished by their agents at Wood Island, Alaska, to seventeen members of the crew of the wrecked American sealing schooner *C. G. White*, in eighteen hundred and ninety-five, two thousand six hundred and seventy-five dollars.

In the act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, Congress appropriated as follows:

Relief and protection of American seamen: Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, or so much thereof as may be necessary, fifteen thousand dollars.

These wise and useful enactments and the claim of Captain Brown are of a like character, and it is within their letter and spirit.

Herewith is submitted bill of Albert C. Brown for \$1,000, supported by his testimony and affidavit, and also statement sent by the eleven persons rescued. There are also submitted certificates of Clarence F. Dickinson, M. D., of Kadiak; Joseph C. Lane, deputy collector of customs; W. S. Manning, United States marshal, and Alphonso C. Edwards, all of Kadiak, and a letter from the Auditor of the Treasury Department stating that the accounting officers have no jurisdiction of the claim until Congress acts with reference thereto.

The committee therefore recommends that the bill do pass.

KADIAK, ALASKA, May 4, 1895.

The United States of America to Albert C. Brown, Dr.

To caring for and transporting eleven wrecked mariners, wrecked from the schooner *C. G. White* off the southwest coast of Kadiak Island April 13, 1895. \$1, 000

ALBERT C. BROWN, being first duly sworn, deposes and says that he is the sole owner of the schooner *Alexandra*; that on the 13th day of April, 1895, the schooner *C. G. White* was wrecked during a hurricane off the coast on the southwest end of Kadiak Island, District of Alaska; that the officers and crew of said schooner consisted of 27 men, 5 of whom were washed overboard and drowned, and 5 more died from exposure soon after reaching shore; that there was no habitable place on the shore where they were wrecked, and that the men lived for three days and nights in holes dug in the snow, and were without food all that time until rescued by me, at which time they were all frozen, the most of them so badly that amputation of some of their limbs has been necessary; that they would all undoubtedly have perished unless rescued; that there was no possibility of medical treatment where the wreck occurred, and that the nearest place where such treatment could be secured was Wood Island, 150 miles away; that the men were destitute of both money and clothing; that in order to transport them to a place where they could secure proper medical treatment it was necessary for me to put my schooner *Alexandra* in proper repair, at considerable expense, as I had her high and dry on the beach and out of use; that I did put my schooner in proper repair and did transport these men; that I have expended a large sum of money to save the lives of these wrecked seamen and transported 11 of them from where they were wrecked to a place where they could secure proper medical treatment; and that the sum of \$1,000 is a just and reasonable compensation for the money I have expended and the transportation I have furnished them; and that no part of it has been paid, and that they are all unable to reimburse me in any manner or in any sum.

ALBERT C. BROWN.

Subscribed and sworn to before me this 4th day of May, 1895.

[SEAL.]

ALPHONSO C. EDWARDS,
United States Commissioner.

KODIAK, ALASKA, May 16, 1895.

We, the undersigned, officers and crew of the schooner *C. G. White*, which was wrecked off the southwest coast of Kodiak Island, Alaska, on the 13th day of April, 1895, state that we were cared for and rescued by Capt. Albert C. Brown, of the schooner *Alexandra*, at great expense to him, and that 11 of us were transported by him in his schooner from the place where we were rescued to the port of Wood Island, the nearest point where we could obtain medical aid; that many of us were badly

frozen, rendering amputation necessary, and that all of us would certainly have perished had we not been rescued by Captain Brown.

E. W. BAIL.
GUSTAF WICKSTRÖM.
MATHIAS MATHIASSEN.
F. H. MURRAY.
F. F. ROGERS.
FRANK A. SWEENEY.
YOKOYAMA.
YNGWALD LUE.
P. RUNEY.
J. E. VOISINET, jr.
NAGAWA.

ALASKA, KODIAK, *May 14, 1895.*

This is to certify that Capt. Albert Brown, master of the schooner *Alexandra*, did, on the 27th day of April, 1895, bring on the aforesaid schooner to the port of Wood Island 11 men, who were wrecked on the schooner *C. G. White*, which was wrecked on the 13th day of April, 1895. The condition of them was such that if they had not been rescued they would certainly have died. As it was, amputation has been performed on five of them, one of whom, owing to his low condition, occasioned by exposure, was unable to stand the operations.

I am the physician in charge of the above persons, and I unhesitatingly say that had it not been for the action of Captain Brown death would have been the result in all the above cases.

CLARENCE F. DICKENSON, M. D.

CUSTOM-HOUSE, PORT OF KADIAK,
Deputy Collector's Office, May 17, 1895.

This is to certify that Albert C. Brown, master of the schooner *Alexandra*, arrived at Wood Island, Alaska, April 27, A. D. 1895, with eleven mariners from the schooner *C. G. White*, wrecked near Aiakhhtalik, on the southwestern coast of Kodiak Island, April 13, 1895. Were it not for Captain Brown's timely assistance these men would have perished. Some were lying on the beach; others had fallen into snowdrifts, exhausted and benumbed with cold. Mr. Brown carried these men to his house, furnished them with food and clothing, and worked day and night to get his schooner off the beach to take the men to Wood Island, a distance of 150 miles, for medical treatment, where they have had their frozen limbs amputated. One of the men, Captain Harmsen, has since died. These men owe their lives to the heroic efforts of Captain Brown.

Very respectfully,

JOS. C. LANE,
Deputy Collector of Customs.

DISTRICT OF ALASKA, UNITED STATES MARSHAL'S OFFICE,
Kodiak, Alaska, May 17, 1895.

Capt. Albert C. Brown, of the schooner *Alexandra*, reached Wood Island, Alaska, with 11 miserable souls aboard April 27, 1895, these men being a few of the victims of the ill-fated schooner *G. C. White*, which foundered off the southwest coast of Kodiak Island during the severe storm of April 13, 1895, nearly 150 miles from Wood Island, the nearest port where medical attention and proper nursing could be had. The unfortunate suffered from frozen hands and feet and insufficient nourishment. Had not Captain Brown rescued them from their perilous condition, fed, warmed, and transported them to Wood Island, they must have succumbed to a horrible death.

It seems to me but just that Captain Brown should be financially rewarded for his heroic efforts in saving the lives of these shipwrecked seamen, whereby he gave his hospitality, time, and vessel to delivering suffering humanity to a haven of comfort.

W. T. MANNING,
United States Deputy Marshal.

KADIAK, ALASKA, *May 16, 1895.*

Capt. Albert C. Brown, of the schooner *Alexandra*, arrived at the port of Wood Island, Alaska, on the 27th day of April, 1895, having on board his schooner 11 men wrecked from the schooner *C. G. White* on the 13th day of April, 1895, off the south-

west coast of Kadiak Island. These men were in a pitiable condition when they arrived, having had no proper medical attention from the time they were wrecked, and all were more or less frozen, many of them so badly that amputation has since been necessary. Had it not been for the efforts of Captain Brown, all these men must have perished. I have seen these men personally and talked with them, and assisted at seven amputations, and I do not hesitate to say that these men could not have survived much longer, and I am of the opinion that had not Captain Brown rescued them no one else would, as the point where they were wrecked is out of the way of ordinary sea traffic.

Respectfully,

ALPHONSO C. EDWARDS,
United States Commissioner.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE STATE AND OTHER DEPARTMENTS,
Washington, D. C., January 26, 1898.

SIR: I have to acknowledge the receipt of your communication of the 24th instant, addressed to the Secretary of the Treasury, relative to a claim of Capt. Albert C. Brown, of the American schooner *Alexandra*, for the sum of \$1,000 for fitting out said schooner, and rescuing and relieving eleven survivors of the American schooner *C. G. White*, April 13, 1895, which was wrecked during a hurricane off the southwest coast of Kadiak, Alaska.

You state that as the accounting officers have no jurisdiction of this claim you find your only redress is to appeal to Congress. I concur in the view expressed by you, and for that reason return herewith the claim, as requested.

Respectfully, yours,

ERNST G. TIMME, *Auditor.*

WM. B. MATTHEWS, Esq.,
Attorney at Law, Washington, D. C.

ELLEN SEXTON.

FEBRUARY 16, 1898.—Ordered to be printed.

Mr. WARREN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 2179.]

The Committee on Claims, to whom was referred the bill (S. 2179) for the relief of Ellen Sexton, having had the same under consideration, beg leave to submit the following report, and recommend that the bill do pass:

The facts in this claim are fully set forth in Senate Report No. 756, Fifty-fourth Congress, first session.

The report, in part, is as follows:

The bill as introduced provided for the payment to the claimant, Mrs. Ellen Sexton, of \$3,008.75. As amended the sum is reduced to \$1,608.75.

Mrs. Sexton's claim arises out of a prosecution of her by the Government in the years 1891 and 1892 on the charge of perjury in connection with her pension. She is the widow of the late Daniel Sexton, who during the civil war was a private in Company K, Tenth Minnesota Volunteer Infantry, and at the time of her arrest resided in Leadville, Colo.

Mrs. Sexton's husband died in May, 1875, of consumption contracted in the war, and after his death she applied for a pension as his widow, and for six minor children, the result of the union, ranging from 8 months to 16 years in age. The pension (number of certificate, 273299) was granted July 28, 1890, and on the certificate she had received in the aggregate, up to the time of her arrest in 1891, about \$3,200; of this amount \$1,027 being on account of back pension.

Mrs. Sexton was tried before the United States district court for the district of Colorado on the 28th day of November, 1892, on two indictments charging her with perjury, and was acquitted on both charges, her name being subsequently restored to the pension rolls as a result of the failure of the proceeding. The first of the indictments was found by the grand jury of the United States district court on the charge of false swearing in August, 1890, in connection with drawing her pension, when she stated under oath that she was the widow of Daniel Sexton and that she had never remarried, and the second on the charge of making a similar statement under oath on the 28th of January, 1891, before one Rodney Chipp, a special examiner for the Pension Office. Both indictments bear the date of January 29, 1891. The two charges were consolidated on the trial into one case, and she was acquitted of both.

The proceedings against Mrs. Sexton were based on the assumption and charge that she was remarried after the death of Daniel Sexton to one Neal, and that notwithstanding this remarriage she drew her pension, stating under oath that she was unmarried. She was also accused of living in adultery with Neal. Mrs. Sexton admits going through what she considered at the time a marriage ceremony with Neal at Deadwood, Dak. (now South Dakota), in 1877, but says that soon after the

ceremony was performed she discovered that Neal had a wife living in England, and therefore left him and never afterwards recognized him as her husband. She also avers that the supposed marriage ceremony was a farce, having been performed by a man whom Neal represented to her to be a justice of the peace, but who was not such, and who had no authority to perform the ceremony.

These facts, we are assured, were all brought out on the trial of Mrs. Sexton on the above-mentioned charges, which trial was held at Denver in November, 1892, and the further fact established that she was a reputable and industrious woman, seeking to earn her own living and that of her children and to educate and fit them for life.

The case was tried before Hon. Moses Hallett, judge of the district court for the district of Colorado.

The following is a copy of the official record of the finding of the court:

[United States of America v. Ellen Sexton. No. 841. Indictment for perjury in a pension claim.]

"At this day came again the said parties, by their attorneys, respectively, and the said defendant in her own proper person also comes. And the said jurors being now all here, present, and in the jury box, the trial herein is resumed.

"And the said jurors, having heard the evidence produced herein and the instructions of the court, retire to their room under charge of a sworn bailiff to consider of their verdict. And afterwards and on this day come again the said jurors, and on their oaths do say they find the defendant not guilty.

"Wherefore it is considered by the court that the said defendant, Ellen Sexton, of and from the premises in this said indictment specified, be discharged and go hence without day."

Mrs. Sexton claims that the prosecution was malicious, and that she was impoverished by the expense to which she was subjected in defending herself in court. She asks that the money expended by her be refunded by the Government and that she be allowed a certain sum expended during the pendency of the trial for sustenance, doctors' bills made necessary by the strain upon her nervous system, for support of her children, and for injury to her feelings. We have stricken out all the claims except those for actual expenses, and we recommend the payment of these claims, which are as follows:

Expenses attending examination before United States commissioner at Leadville	\$15.00
Expenses attending trip to Aspen in January, 1891, to obtain bond.....	19.00
Expenses of her son-in-law, Matt. Callahan, from Aspen to Denver and return, in connection with bond.....	55.70
Expenses of Mrs. Sexton from Leadville to Denver in May, 1891, to attend court	10.25
Expenses at Denver May 1 to July 3, 1891.....	135.00
Doctors' bills and medicine during that time.....	52.85
Attorney's retainer, July, 1891.....	250.00
Expenses of trip to Aspen in July, 1891, in connection with bond.....	23.20
Expenses of Callahan to Leadville in securing witnesses.....	26.00
Expenses of Attorney J. W. Taylor from Denver to Leadville and Aspen in August, 1891, in preparation of case.....	81.20
Expenses of Mrs. Sexton at Glenwood Springs, including board and lodging, doctors' bills, baths, medicines, and nursing.....	150.00
Expenses of Mrs. Sexton from Leadville to Denver to attend the November term of court in 1891.....	10.25
Expenses while at Denver of Mrs. Sexton and some of her witnesses.....	90.00
Expenses, May term, 1892, of Mrs. Sexton.....	69.00
Expenses, November term, 1892, of Mrs. Sexton.....	45.00
Expenses of witnesses at November term, 1892.....	473.80
Serving subpoenas, and other fees.....	17.50
Amount paid attorney for November term of court, 1892.....	50.00
Typewriting before and at the trial.....	35.00
Total	1,608.75

A large number of citizens of Colorado unite in the following certificate, appended to Mrs. Sexton's petition to Congress:

"We, the undersigned, join the petitioner in her prayer for the relief asked for in the above and foregoing petitions, and take pleasure in certifying to the good moral character of the petitioner and to the fact that we believe the statements contained in the petition to be true. We further certify that we have known Mrs. Sexton for years, and that during all the said time she has been an honest, industrious, good woman and one worthy of confidence."

Among the signers of the petition are Hon. Moses Hallett, judge of the United States district court before whom Mrs. Sexton was tried; Hon. D. H. Waite, who was at the time governor of the State of Colorado; Hon. J. C. Helm, then chief justice of the State; Hon. Thomas A. Rucker, district judge at Aspen; Bishop N. C. Matz, of the Catholic Church, and many other prominent citizens, including her neighbors at Leadville.

Mrs. Sexton's claims are explained by her petition, which is as follows:

To the Honorable the Congress of the United States:

The petition of your petitioner would respectfully show to your honorable body that she is the surviving widow of Daniel Sexton, late private Company K, Tenth Minnesota Volunteer Infantry; that her said husband, during his term of service in the Army, contracted consumption, which said disease continued to grow worse after his discharge, the effects of which were to utterly incapacitate him from doing business of any kind until his death, which occurred on the 30th day of May, 1875; and that during all of said time after his said discharge until his death your petitioner was compelled, by her manual labor and by keeping boarders and roomers and carrying on such occupations as she was able to carry on, to care for and nurse her said husband and to raise and educate her family, which, at the time of her husband's death, consisted of six children, ranging from 8 months to 16 years of age.

That after the death of her said husband she applied to the Government of the United States for a pension as the surviving widow of said Daniel Sexton on account of herself and her said children, which said application was delayed and passed from time to time until, on the 28th day of July, 1890, pension certificate No. 273299 was issued, a copy of which, marked Exhibit A, is hereto attached and made a part of this petition, and that she has received from the Government of the United States on said pension the sum of \$3,200 in the aggregate, about \$1,027 thereof being on account of back pension due her deceased husband and about \$2,200 thereof being on account of herself and minor children.

That after receiving said sums, and at the instance of persons ill-disposed toward your petitioner, it was circulated that your petitioner had fraudulently obtained such sums from the Government, and on the 29th day of January, 1891, your petitioner was indicted in the district court of the United States for the district of Colorado for the crime of perjury in swearing to a certain affidavit connected with obtaining her said pension and seeking to obtain the continued payment thereof; and also for making a false affidavit before a pension agent by the name of Chipp, who had been, or claimed to have been, appointed by the Pension Department to investigate the matter of her pension. And thereafter, to wit, on the 28th day of November, 1892, a trial was had in said district court before a jury upon both of said indictments, which, by the order of the court before that time, had been consolidated into one, which trial resulted in the honorable acquittal of your petitioner, a certified copy of which said indictments and the proceedings of the court thereon, together with the verdict of the jury and judgment of the court thereon, is hereto attached, marked Exhibit B.

And your petitioner further represents that she was first arrested on said charges in February, 1891, and at that time was compelled to and did give bonds for her appearance, and thereafter on several occasions was compelled to renew her bond or give new bonds; that she was compelled to employ counsel to defend her, was compelled to travel between Denver, Leadville, and Aspen, Colo., and pay her expenses, and that she actually paid out and expended money in connection with her defense, as shown by the sworn itemized bill of expense hereto attached and marked Exhibit C and made a part hereof.

And she further shows that of the money received from the Government as aforesaid she has been compelled to expend a considerable part thereof in sending her youngest son to school and in paying a number of bills and accounts she owed at the time she received the same, and that the largest part of the remainder thereof has been paid out by her in paying the expenses of the prosecution aforesaid, and that she is now substantially without funds; that she is 51 years of age and in delicate health, and is unable to longer work to support herself; that the worry, trouble, and seeming disgrace attendant upon said prosecution has so undermined her constitution and health as to leave her mentally and physically unable to either enter upon or carry on any kind of business, and that she is without means to support herself, except such as will hereafter be furnished by the pension from the Government, if that shall be paid; that heretofore, and before the said charges were brought against her and when her health was good, she followed the occupation of a professional nurse for a number of years, and received therefor not less than \$3 a day and her expenses, which enabled her to raise and educate her family and take care of her husband during his lifetime, as above stated, and that in and by this means, in addition to keeping boarders at times and doing other work, as above stated, she earned her living and that of those dependent upon her, but that now she is unable to follow any of such occupations.

And she further shows that she was advised, by her attorneys and friends, during all the times that said prosecutions were pending against her, not to apply to the court to defend the actions under the statute providing for the Government paying the expenses of poor persons, because it was thought her having received the money she had received from the Government would be charged against her and that circumstance would be an injury and detriment in the defense of said actions.

And she further shows that the charges contained in said indictments were absolutely false; that she is a woman of good moral character and of good reputation for integrity and virtue in every community in which she has lived, as will fully appear by reference to the certificates of many of the best citizens of Denver, Leadville, and Aspen, and other places where she has lived, and that if the Government will pay back to her the amount she has so as aforesaid paid out in expenses in her defense against said charges, it will enable her to live and end her days in peace; but, on the contrary, if the Government refuses so to do, she has nowhere to look for any assistance and can not at this time even guess what the result may be.

Wherefore your petitioner prays that a bill may be passed through Congress authorizing the Government to pay her the amount of her expenses so expended as aforesaid. For all of which she will ever pray.

ELLEN SEXTON, *Petitioner.*

○

ESTATE OF GEORGE W. LAWRENCE.

FEBRUARY 16, 1898.—Ordered to be printed.

Mr. WARREN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 2693.]

The Committee on Claims, to whom was referred the bill (S. 2693) for the relief of the estate of George W. Lawrence, have had the same under consideration and respectfully report:

Your committee find the facts stated in Senate Report No. 1766, Fifty-first Congress, first session, to be correct, and adopt the same as their report and recommend the passage of the bill.

[Senate Report No. 1766, Fifty-first Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 3270) for the relief of the administratrix of George W. Lawrence, have had the same under consideration and respectfully report:

George W. Lawrence, the decedent, on the 9th of September, 1862, entered into two agreements with the United States, through the Navy Department, for the construction of the hulls of two wooden double-enders, called the *Agawam* and *Pontoosuc*. The contract provided that the vessels should be launched within one hundred and twenty-six days, and then be delivered to the Government, who through other contractors would supply the machinery. Fifty days were allowed for the attachment of the machinery; whereupon George W. Lawrence was to do that work which followed and was necessary to secure the machinery in place. The fifty days for the attachment of the machinery expired in the case of the *Agawam* on June 10, 1863, and in the case of the *Pontoosuc* on July 9, 1863. Through no fault of Mr. Lawrence, or his agents, the machinery was not attached to the *Agawam* until December 9, 1863, and on the *Pontoosuc* until May 16, 1864. During this prolonged time the advance in the price of labor and material accompanied the rise in gold prices, and this delay imposed upon the contractor, through no fault of his, the loss resulting from purchase of material and the employment of labor at the enhanced prices. The contract price for each vessel was \$75,000.

Mr. Lawrence completed his vessels and delivered them to the Government. That they were satisfactory is manifest from the fact that his bills were entertained and considered by the Selfridge board, composed of Commodore Thomas O. Selfridge, Chief Engineer Alexander Henderson (succeeded July 8 by Montgomery Fletcher), and Paymaster C. H. Eldredge, which convened at the Brooklyn Navy-yard June 5, 1865, and continued in session for more than six months. This board convened under the following resolution of the Senate:

IN THE SENATE OF THE UNITED STATES,
March 9, 1865.

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Depart-

ment in the years 1862 and 1863 cost the contractors over and above the contract price, and the allowance for extra work and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered.

They reported (*inter alia*) (see Senate Ex. Doc. No. 18, Thirty-ninth Congress, first session, pp. 61, 62), as follows:

The board after a critical examination of the bills of cost presented by the several contractors for vessels and steam machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases over and above the contract price and allowance for extra work to be as follows:

Double-ender <i>Agawam</i> , wooden hull, G. W. Lawrence.....	\$8, 610. 77
Double-ender <i>Pontoosuc</i> , wooden hull, G. W. Lawrence.....	8, 610. 77

All of which is respectfully submitted.

THOMAS O. SELFRIDGE,
Commodore and President of Board.
MONTGOMERY FLETCHER,
Chief Engineer.
CHAS. H. ELDREDGE,
Paymaster.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

On January 31, 1866, this report was referred to the Committee on Naval Affairs of the Senate, who thereupon, March 22, 1866, reported a bill for the payment of the awards thus made. This bill, S. 220, first session, Thirty-ninth Congress, passed the Senate. In said report (No. 45, first session, Thirty-ninth Congress) the committee say:

"From June till December last, the board organized by the Secretary of the Navy, under the Senate resolution, composed of eminent officers of the Navy, was engaged in hearing evidence and investigating the claims of these parties. That investigation seems to have been fairly, carefully, and thoroughly made. It was by officers of the Department, and the award, which the committee believe to be substantially right, should be adopted as the basis of relief to the parties, and therefore the committee report the accompanying bill."

Your committee recognize the merits of the claim, but recommend to the Senate the accompanying substitute, which gives to the claimant the opportunity to go before the Court of Claims and prove how much the vessels cost the decedent, but limits the right of recovery to the sum found by the Selfridge board.

Hereto is appended a copy of the contract for the *Agawam*. The contract for the *Pontoosuc*, entered into the same day, is identical with it in all its provisions.

AGAWAM, PADDLE-WHEEL GUNBOAT, G. W. LAWRENCE.

Contract.

This contract, made and entered into at the city of New York, in the State of New York, the ninth day of September, 1862, between George W. Lawrence, of the city of Warren, in the State of Maine, as principal, and Ambrose Snow, of the city of New York, and State of New York, and Joseph S. Burgess, of the city of New York, and State of New York, both residing in the city of Brooklyn, and doing business in New York City, ———, as sureties, of the first part, and John Lenthall, chief of the Bureau of Construction and Repair, acting in the name of the Secretary of the Navy, for and in behalf of the United States of America, of the second part: Witnesseth, that the said parties of the first part do hereby contract and agree with the said parties of the second part, that for the consideration hereinafter named they do hereby covenant and agree for themselves, executors, administrators, and assigns, to build, equip, and fit the hull, spars, spare spars, rigging, blocks, sails, spare sails, awnings, canvas work, boats, tanks, casks, and all the equipments and outfits connected therewith necessary for a paddle wheel gunboat, to be delivered afloat and completely supplied with equipments and outfits, except the steam machinery, anchors, cables, furniture, cooking utensils, instruments, stores, ordnance and ordnance stores, but in every other respect fit for sea service.

The said parties of the first part further agree that the said vessel, equipments, and outfits shall conform in all respects to the specifications, drawings, list of articles to be provided and hereunto attached, which constitute a part of this contract, and are to govern the parties hereby contracting as truly as if the same were incorporated in

this instrument; nor is the omission therein of any detail or object necessary to carry into effect the intent of this agreement to be to the detriment of the United States.

The said parties of the first part further agree that all the material shall be of the very best quality and free from defects; that the equipments and outfits shall conform to those used in the United States Navy, so that they may be used in connection therewith, and each and all respectively bearing the tests made of similar articles in the naval service.

It is further agreed by the parties of the first part that the person or persons appointed by the Navy Department to inspect the work shall have the power of rejecting, in any stage of its progress, any materials or articles that they may consider defective, either in material or workmanship, and to whom every part and arrangement must be satisfactory; and they will provide the said inspectors a suitable and convenient office room, and afford them satisfactory facilities for superintending the work.

The said parties of the first part further agree and contract that the aforesaid vessel shall be launched on or before one hundred and twenty-six days from the date of this contract, and shall be promptly delivered at their expense at the premises of the parties who have agreed with the Navy Department to erect and place on board the steam machinery for the said vessel.

The said parties of the first part do further agree to do all the carpenter's work necessary in connection with the steam machinery, and to give a proper and sufficient notice of the time of launching to, and permit the contractors for the steam machinery to execute on board the vessel the work necessary to be done by them before launching.

It is further agreed by the said parties of the first part that the vessel, perfectly fitted with all the equipments and outfits of every kind, complete, which this contract covers, and is intended to cover, shall be delivered to the Navy Department ready for naval cruising at sea (excepting only the steam machinery, ordnance, anchors, cables, furniture, cooking utensils, instruments, and stores not provided for in this contract), on or before the period of fifty days from the date of the delivery of the vessel at the premises of the contractors for the machinery.

The parties of the first part further agree that the magazines, shell rooms, light boxes, shot-lockers, shot-racks, and all parts connected therewith, with the iron ring and other bolts, and all arrangements connected with the hull and appertaining to the armament, shall be in accordance with such instructions as may be given from the Ordnance Bureau of the Navy Department; that all the apartments, state-rooms, store and other rooms, and fittings of every kind, shall be conveniently arranged and fitted to the satisfaction of the inspector appointed by the Navy Department.

It is further agreed by the parties of the first part to hold the United States harmless against any demand for patent fees for any patented invention for any article or arrangement that may be used by them in the construction of this vessel, and before the final payment shall be made to furnish the Navy Department with a proper release from such patentee.

And the said parties of the first part do further engage and contract that no member of Congress, officer of the Navy, or any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract or agreement, or to any benefit to arise therefrom. And it is hereby expressly provided, and this contract is upon this express condition, that if any such member of Congress, officer of the Navy, or other person above named, shall be admitted to any share or part of this contract, or to any benefit to arise under it, or in case the parties of the first part shall in any respect fail to perform this contract on their part, the same may be, at the option of the United States, declared null and void without affecting their right to recover for default that may have occurred.

In the event of a failure or neglect on the part of the parties of the first part to fulfill the stipulations of this contract, or to have the vessel launched or delivered at the premises of the contractors for the machinery, or ready for sea, as above stipulated, it is hereby agreed and understood that they will yield and pay to the United States the sum of \$50 per day for each day delayed; and that in addition to said forfeiture the Navy Department is authorized to take possession of and to direct purchases to be made of all the necessary materials, and cause the construction of the vessel to be completed and fully equipped and transported as heretofore described; and any excess of cost will be at the expense of the said parties of the first part, provided the delay has not been occasioned by an unavoidable accident or the action of the Navy Department.

And the said United States, by the parties of the second part, do hereby contract and engage with the said parties of the first part as follows:

That the total price to be paid for the hull, equipments, and outfits, completed under all the conditions of this contract, and according to the annexed specifications is to be \$75,000, the payments to be made in six equal parts as the work progresses, with a reservation of 20 per cent from each part.

The bills for these payments to be presented in triplicate, certified by the superintendent appointed by the Navy Department that the one-sixth part of the value of this contract, in labor and materials, has been furnished in due proportion to the time; which bills, when duly approved by the parties of the second part, shall be paid to the said parties of the first part, or to their order, by the Navy agent at ———.

It is further mutually understood and agreed that the sixth payment is not to be made until the vessel is coppered and delivered, as this contract provides, at the premises of the parties who have agreed to place the steam machinery on board; and that to entitle the said parties of the first part to the 20 per cent, reserved as above named, the hull, equipments, and outfits must be complete and satisfactory to the Navy Department; and the payment thereof, or as much as may be due, shall be received by the parties of the first part in full consideration of the complete fulfillment of this contract.

It is further agreed that in the event of the steam machinery not being erected and completed on board the vessel within the time above specified for the completion of the vessel, she being in all other respects fully completed, the final payment shall then be made, withholding only so much as may be necessary to execute the work remaining to be done.

It is further agreed that the Navy Department shall have a lien on the vessel, and on all the materials provided for the fulfillment of this contract, for the money advanced or paid by the United States on account thereof; and that the said parties of the first part agree that they will keep the vessel and materials insured to the amount which may be paid on account of this contract, until delivered at the premises of the parties who have agreed with the Navy Department for the erection of the steam machinery on board, the policies being made payable to the United States.

During the time the vessel is having the machinery erected and placed on board, the contractors therefor have agreed to furnish the parties of the first part, free of expense, with such facilities as they may have for her completion.

The vessel to be delivered at the Portland Works, Portland, Me.

GEORGE W. LAWRENCE.
AMBROSE SNOW.
JOSEPH S. BURGESS.

Signed, sealed, and delivered in presence of—
WM. D. JAIES.

O

THOMAS F. ROWLAND.

FEBRUARY 16, 1898.—Ordered to be printed.

Mr. WARREN, from the Committee on Claims, submitted the following
REPORT.

[To accompany S. 2474.]

The Committee on Claims, to whom was referred the bill (S. 2474) for the relief of Thomas F. Rowland, have had the same under consideration, and respectfully report:

This measure was considered by this committee during the Fifty-second Congress, was reported upon favorably, and passed the Senate during that Congress. Your committee adopt the same as their report and recommend the passage of the bill.

[House Report No. 709, Fifty-second Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1067) for the relief of Thomas F. Rowland, submit the following report:

This measure was considered by this committee in the Fifty-first Congress and was reported upon favorably, which report is appended as a part of this report.

Your committee concur in the conclusions stated in that report and recommend the passage of the bill.

[House Report No. 3384, Fifty-first Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 12748) for the relief of Thomas F. Rowland, by reason of his construction of the steam machinery and hull of the iron double-ender *Muscoota*, have had the same under consideration, and respectfully report:

Thomas F. Rowland entered into a contract with the Navy Department on August 5, 1863, for the construction of the side-wheel gunboat called the *Muscoota*, for the sum of \$275,000. Said vessel was to be completed in eleven months, but on account of the changes in the plans and specifications by the Navy Department the vessel was delayed in her completion until December 1, 1864. This claim is similar to that of Nathaniel McKay, reported by Senator Higgins in Senate Report No. 444, Fifty-first Congress, first session, a part of which we adopt for this report. The committee find that the board of officers was convened by a resolution of the Senate of the United States, March 9, 1865, consisting of Commodore Thomas O. Selfridge as president, Chief Engineer Alexander Henderson, succeeded by Chief Engineer Montgomery

Fletcher, and Paymaster Charles H. Eldridge, which convened at the Brooklyn Navy-Yard June 5, 1865, under said resolution. (See Senate Ex. Doc. No. 18, Thirty-ninth Congress, first session.)

IN THE SENATE OF THE UNITED STATES,
March 9, 1865.

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and the allowance for extra work, and report the same to the Senate at its next session; none but those who have given satisfaction to the Department to be considered.

Thomas F. Rowland, coming under the terms of said resolution, presented his claim to said board, with the vouchers and evidence in support of it (Senate Ex. Doc. No. 18, Thirty-ninth Congress, first session), as follows:

The board, after a critical examination of the bills of cost presented by the several contractors for vessels and steam machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases over and above the contract price and allowance for extra work to be as follows:

Iron double-ender, hull and machinery, *Muscoota*..... \$82,460.95
All of which is respectfully submitted.

THOMAS O. SELFRIDGE,
Commodore, and President of Board.
MONTGOMERY FLETCHER,
Chief Engineer.
CHAS. H. ELDRIDGE,
Paymaster.

[Extract from Senate Report No. 444, Fifty-first Congress, first session.]

In the winter and spring of 1863 the Navy Department prepared plans and drawings for several light-draught steam ironclad monitors, with specifications showing the dimensions, kind, and thickness of the plating, and submitted the same to various contractors for proposals for construction.

The time required in the construction was a material element in the contract, and none were made for a period longer than eight months. Some of the contracts were limited to six months. So material was the matter of time considered that in the contracts made for six months the contractors were to receive \$395,000, while those whose contracts extended to eight months for completion were only to receive \$386,000, or at the rate of \$4,500 per month less, but there was a provision in all contracts then made that if the vessels were completed in less time than provided in the contract the contractor was to receive an additional pay of \$4,500 per month, and if the completion was delayed beyond the period named the Government was to deduct from the contract price at the same rate—that is, \$4,500 per month. McKay & Aldus were contractors for the building of the light-draught monitor *Squando*, to be completed in six months, the Department first satisfying itself of their facilities for doing the work in that time.

Donald McKay was contractor, and built the light-draught monitor *Nausett*, also the iron double-ender *Ashuelot*; the Washington Iron Works, contractor for the machinery of the wooden double-ender *Lenapee*, now represented by George M. Clapp. The *Squando* and *Nausett* were identical in the original plans, and in the changes and alterations thereon, with the *Ellah* and *Shiloh*, built in St. Louis.

Having accepted the undertaking to build these vessels, the several parties named made their arrangements accordingly, having the yards, machinery, etc., necessary therefor, and entered into contracts for the necessary materials, based upon the contracts with the Government, and commenced the work on the several vessels named. About this time, Chief Engineer of the Navy Stimers having returned from Charleston, where he had been sent to make observations as to the conduct of Ericsson's monitors in battle, a consultation was had at the Navy Department, in which (quoting from Stimer's evidence)—

“The matter was discussed as to whether we had better build our vessels in strict accordance with the letter of the contracts which we were giving out, without any change whatever, or had better take advantage of every such fight and make improvements as we went along, although we fully appreciated that it would delay their completion and add to their cost. Assistant Secretary Fox made the remark that he thought following this course would probably entail an extra cost of a million of dollars for each battle where the monitors were engaged.

"Well, it was decided that that course should be followed. The contracts for the light draught monitors, of which the *Ellah* was one, had already been drawn, specifications, general drawings, etc., of the original plans, but we went immediately to work to make changes on them in accordance with what I have already explained as the policy to be pursued. You will understand, therefore, why it was that I should send constant instruction to Mr. McCord, directing him to make his vessels different from what he had contracted to do; why I sent him drawings that differed from those specified in the contract. You will find, too, that these might be very material, as they certainly were. The acts, therefore, which I performed, which affected Mr. McCord and affect this case, were to direct him to make a different vessel from the one he contracted to do."

Acting upon this theory, the Department commenced forwarding to the contractors orders for changes and drawings before even the keel was laid, and those changes, which in the aggregate affected all parts of the vessel, making in the end almost entirely different vessels, were continued, and the drawings furnished therefor for nearly a year and a half after the time specified in the contract for their completion had elapsed, and from the 23d of June, 1864, for about the period of three months, work was suspended altogether upon these vessels, by the orders of the Navy Department, which had then in contemplation some general changes in their construction which required time to perfect. All of this time, however, the contractors were under heavy expenses for the maintenance of the yards and men, whom they dared not discharge for fear of inability to supply their places, and not knowing on what day their services would be required.

In addition to all this, the prices of labor and materials required for the work, and for which the contractors had made provision during the time of the contracts, rapidly advanced, so that, as found by the Committee on War Claims of the first session of the Forty-third Congress, iron, that at the date of the contracts was worth \$65 per ton, advanced during the prolonged time to \$220 per ton, and labor from \$2.50 per day to \$4 per day.

This committee have not, however, considered it necessary to investigate the details as to amounts or percentage of such increase of prices, but are convinced that the cost of the work was greatly enhanced by reason of the delay caused by the course adopted by the Government in these changes and alterations from the original plans.

Chief Engineer Stimers, in his evidence in McCord's case, states the case as understood by him, and presumably by the Department, which had no authority to adjust claims for damages, as follows:

"Before expressing an opinion on the matter as an expert, I must explain that the principles upon which the contractors of this and the contractors of similar vessels were to be paid were settled upon before I left the office, and I have always understood that these principles were adhered to, and they were as follows: That we should pay for the contract work by making the contract payments, or the payments provided for in the contract; that we should pay for alterations and changes a proper sum as might be agreed upon between the Government and the contractors at current rates. Now, that being the case, I consider that the Government is still indebted to the contractors of the *Ellah*, because, although the original contract work has been paid for as originally agreed upon, and the extra work may have been paid for *per se*, the fact of calling upon the contractor to make the changes on his vessel, and his compliance with those demands, delayed him in the execution of the original contract work. This delay compelled him to pay the increased rates for labor and material which obtained at the time when the work was actually performed; and although the contractor took the risk of a rise in prices when he signed his contract, it was only for a risk during the period of his contract, or the period he would have required to perform the work if the Government had not delayed him by their direct interference. Now, whatever increase there was in the cost of the original work contemplated by the contract, due to the delay caused by the Government, that increase is now due, as there has been no pretense on the part of the officers of the Government to have paid it. If you will determine the increased cost of material and labor of the original contract work during the extent of time when the contract was delayed by an interference of the Government to execute it, you will have, in my judgment, the indebtedness of the Government. There may be very large claims on account of extra work of which I know nothing."

There seems to be no question that but for the interference of the Government these vessels would have been completed within the time specified in the contract; that these contractors had the means and the ability to do so, and that the heavy losses sustained by reason of the interference of the Government could not have been prevented by any reasonable prudence or foresight on their part, as the labor could not be anticipated, nor could they possibly know, from the frequent changes being made, the kind, quantity, or, in the case of iron plating, the thickness or size of the plates to be used. The question of the duty of the Government to relieve the contractors for the building of these vessels has been repeatedly recognized by Congress.

(Slone, Report No. 17, Thirty-ninth Congress, second session; Senator Nye, Report No. 45, Thirty-ninth Congress, first session; Senator Drake, Report No. 163, Forty-first Congress, second session; Senator Nye, Report No. 37, Forty-second Congress, second session; A. B. Smith, Report No. 36, Forty-second Congress, third session; Senator Cragin, Report No. 124, Forty-third Congress, first session; Senator Hoar, Report No. 14, Forty-seventh Congress, first session.)

Congress reported favorably on those bills, recommending the claimants such relief as they desired. Several of them have passed both Houses of Congress.

In 1865 a board was appointed, under a resolution of the Senate, called the Selfridge Board, which examined and reported upon numerous vessels. Their awards were not paid, but their discussion led to the passage of the act of March 2, 1867, directing the Secretary of the Navy to investigate the claims of all contractors for building vessels of iron, etc., and to ascertain the additional cost incurred by them by reason of any changes and alterations there, with the proviso:

"But no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work made necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor." (14 Stat., 424.)

The Secretary of the Navy delegated the matter thus submitted to a board, of which J. B. Marchand was chairman, and called the Marchand Board. This board, perhaps for economic reasons, decided to confine their examination to the question of extra work, holding that the question of increased cost by reason of the delays caused by the Government was one sounding in damages, and therefore beyond the jurisdiction of the Department and not included within the act.

[Circular.]

NAVY DEPARTMENT, *March 14, 1867.*

SIR: Congress having required the Department, by an act approved March 2, 1867, entitled "An act for the relief of certain contractors for the construction of vessels of war and steam-machinery" (a copy of which is annexed), to ascertain and report certain information relative to claims for increased cost in the construction of war vessels and steam machinery, you are desired, if you come within the provisions of the act, to furnish, in writing, information upon the following points:

1. Name of contractor.
2. Date of contract, contract date for completion, and date when actually completed.
3. Name of vessel built, or vessel for which machinery was constructed.
4. Contract price.
5. Total amount received for extra work and alterations.
6. A particular statement of any "changes or alterations in the plans and specifications."
7. Copies of all orders requiring such changes or alterations.
8. The cost necessarily incurred in making such changes or alterations.
9. The amount received from the Department in payment for such changes or alterations.
10. A full statement of "delays in the prosecution of the work occasioned by the Government, which were not provided for in the contract," and how such delays were occasioned.
11. How long the changes or alterations delayed the completion of the work provided for in the contract, giving the necessary dates.
12. A particular statement of the increased cost of labor during such "prolonged time for completing the work" required in the original contract, giving the number of days' work by different classes of workmen, the cost of labor when such work would have been done out for the delays, and the amount actually paid for said labor.
13. A particular statement of the material required by reason of changes or delays which "could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor," the portion of the vessel or engine for which such material was required, the cost at the time it would have been purchased, and its actual cost, giving the necessary dates.
14. A bill in form, embracing only those items, clearly and succinctly stated, upon which your claim is founded, with the amount claimed affixed to each item.

Copies of all letters or orders of the officers directing changes, alterations, or delays, and the price of material and labor at different periods embraced in the time covered by each claim, should be given, with a reference, if possible, to authorities upon these points.

The statement herein called for is required on or before the 1st of June next, and contractors who make no claim under the act are desired to notify the Department.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Claims were filed by these contractors, but reported as "not considered within the province of the board" (report contained in vol. 10, Congressional Record, p. 1504), nor were the claimants permitted to appear before the board on behalf of their claims.

In the Forty-first Congress, second session, a joint resolution was passed by Congress referring these cases to the Court of Claims, but failed to receive the sanction of the President, on the ground that the bill as passed omitted the proviso contained in the act of March 2, 1867, and above quoted, since which time various reports have been made, and favorable action had by one branch of Congress or the other, but no general bill for the relief of these and other contractors has become a law.

A majority of the contractors for the building of this class of vessels have, from time to time, received relief through Congress, but these claimants have thus far received no relief. Among those who have been relieved are George C. Bestor, contractor of the *Shiloh*, by act of Congress (17 Stat., 733, 1873), appropriating \$125,000; Miles Greenwood (17 Stat., 764); S. S. Marchen, jr. (18 Stat., 635); Donohue, Ryan & Co. (15 Stat., 353); C. W. Whitney (17 Stat., 671). Under act of June 25, 1864 (13 Stat., 409), Ericsson was allowed \$1,070,438.93 for such increased cost.

These contractors also claim that they have not received full pay for the extras furnished by them in the construction of the said vessels, aside from the main question of increased cost by reason of the delays. The facts concerning this branch of the case are as follows:

The frequent changes and alterations ordered by the Department on these vessels, and which, under the contracts, the Government had a right to demand by paying the extra expense caused thereby, occasioned a large amount of extra work, some of which was specifically agreed upon, and part of which was done under the orders of the Department without any agreed price. This extra work was recognized as being within the jurisdiction of the Department to pay, and the Department did pay a large portion of said extras, but did not pay all that the parties were entitled to receive.

The accounts were made up in the Department without consultation with the claimants, and payments made from time to time until the last and final payment, when a voucher containing the words, "For work done which is extra to the contract, being the full and final payment on all extras, and in full for all claims and demands for that work," was presented, and which was required to be and was receipted by the claimant upon receiving the amounts specified in the vouchers.

This committee is satisfied, from the evidence before it, that the account for such extra work was not correctly adjusted; and inasmuch as the said receipts are prima facie evidence not only of payment in full for such extras *per se*, but may be construed to cover the question of the extra expense caused by the delays as well, therefore deem it just to all parties that the entire matter should be considered by a legal tribunal with competent jurisdiction to hear and determine the question involved, and in considering such receipt to treat the same as prima facie evidence, but susceptible of explanation by proofs, if any they have, showing the real indebtedness of the Government to them for such increased cost of such vessels beyond the contract price, and beyond the accounts paid by reason of such changes and alterations as evidently contemplated in the previous acts of Congress providing for an adjustment thereof, upon the principle that when the Government has by its acts caused its citizens performing labor for it to incur additional expense in its performance, such additional cost should be borne by the Government.

Your committee are therefore of the opinion that the petitioners should be heard and their rights adjusted upon the merits of the claim, and that they should not be concluded by the voucher in question, unless it appears in equity and good conscience they ought to be.

A bill similar to this having passed the Fiftieth Congress and been vetoed by the President, the committee submit the following additional observations upon the objections to the bill set forth in the veto message:

These objections are thus summarized in the message:

"The contractors mentioned in this bill, after entering into contracts plainly indicating that changes of plans and consequent delay in their work were in their contemplation, availed themselves of the remedy which they themselves had provided, and thereupon received about 50 per cent in the case of two of these vessels of the contract price for extra work, giving the Government a receipt in full.

"When, soon thereafter, opportunity was offered them [before the Selfridge Board] to make further claim of as broad a nature as they could desire, they failed to do so, and one of them (Donald McKay) disclaimed any right to recover on account of one of the vessels, though all are now included in the present bill.

"In 1867 the claims were fully examined under a law of Congress and rejected [by the Marchand Board], and the Supreme Court in an exactly similar case [*Choteau vs. The United States*, 5 Otto, 61, in the case of the *Etlah*] finds neither law nor equity supporting them."

As to the first of these objections it may be said, in addition to what is said in the report of Mr. Frye, that the Government has never so far treated either the payments

received by these contractors on account of the extra work done by them, or the receipts in full exacted when the final payments were made, as concluding and barring the contractors from further relief through the action of Congress. With the view of just such relief the Selfridge Board was created in 1865 under a resolution of the Senate. It made examination and report upon a great number of records of this class, but its report was never acted upon; but the discussion of its report led to the act of 1867, under which the Marchand Board was created. It is not pretended that in fact the contractors were paid in full for the extra work or the loss arising from the delays caused by the Government in the construction of the vessels. The object of the act of 1867 was to ascertain what these losses amounted to, with a view to their payment by authority of proper acts of Congress thereafter.

Such receipts are at best never more than *prima facie* evidence. The Government officers who exacted them told the contractors they would not be binding against further payments. Only by signing them could the contractors get what measure of payment they obtained. They were virtually given under duress. Congress, as appears by Mr. Frye's report, has in a number of these cases granted special relief against them and has never treated these payments or receipts as a bar to such relief.

By the act of March 2, 1867, the Secretary of the Navy was directed to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after May 1, 1861, and prior to January 1, 1864, on the following basis: The act required him—

“To ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract.”

The act further required the Secretary to report to Congress a tabular statement of each case which should “contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost, caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price.”

It will be observed that by the language of this statute the Secretary of the Navy was not to adjudicate upon the rights or claim of the contractors. He was not authorized to even inquire into the legal result as to what, if anything, might be due to them. Nor did it give him authority to refer any such inquiry to a naval board or other subordinate tribunal. It became his simple duty under the statute to “ascertain” certain facts that were prescribed in the statute in terms so explicit that they should not be misunderstood. The main and comprehensive fact directed to be ascertained was “the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract.”

To come at this fact he was further required to report to Congress a tabular statement of certain other facts, and among them “(1) the whole increased cost above the contract price,” and “(2) the amount of such increased cost caused by the delay and action of the Government *as aforesaid*.”

The Marchand Board, to whom the Secretary committed this investigation, instead of ascertaining the “whole increased cost of the work over the contract price,” and possibly too anxious to finish its labors to enter upon so elaborate and extended an inquiry, made no inquiry at all, but contented themselves with substituting in their tabular report (a copy of which is hereunto appended) a column entitled “Whole increased cost of the work over the contract price *as claimed by the contractors*.”

Whether the amounts thus claimed in this behalf by the contractors, as appeared by their accounts submitted by them to the Navy Department, were correct or not, the board did not even inquire.

Sitting as a court they, in this behalf, rendered no judgment, made no inquiry, but merely stated the plaintiff's claim.

In respect of the next statement required by the act, instead of ascertaining the amount of such increased cost “caused by the delay and action of the Government *as aforesaid*,” they found the “amount of such increased cost caused by the delay and action of the Government *as determined by the board to be due*.”

If in determining the amount “to be due” and in finding in the cases of these claimants that nothing was due the board went upon the ground that there was in fact no increased cost incurred by the contractors by reason of “any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government,” the board must virtually have found that the accounts and claims presented by the contractors were false, pretended, and were presented for work never in fact done, and for materials never expended, and wages and other expenses never incurred. But clearly the board did not mean this by their finding.

On the other hand, if their finding that nothing was "due" went upon the ground that the contracts by their terms provided for changes and alterations in the plans and specifications for the vessels, and that consequently the contractors had no remedy under the terms of the act, then they merely passed upon a question of law as to the construction of the act of 1867 in respect of the extent of relief intended to give the contractors, and they ascertained no facts at all as to the increased cost caused by alterations and delays of the Government. In this view of the scope of their investigation, beyond inspecting the accounts filed in the Navy Department and its other records in that behalf they had no inquiry to make and no testimony to take, and they took none.

And if such is the true view to take of the scope of the relief furnished the contractors by the act of 1867, and if the Marchand Board were concluded from inquiring into the merits of the claims because of the provisions contained in the contracts for alterations and changes of plans and specifications, then the relief granted by that act is totally different from that asked for in the pending bill, the inquiry made by the Marchand Board was inherently and radically different from what is asked now to be inquired of by the Court of Claims; then that board never made the investigation recommended in the previous reports of this committee upon these claims.

The Supreme Court, in the case of *Chouteau vs. The United States* (5 Otto, 61), did find that under the terms of these contracts the contractors could not recover at law for losses incurred from the changes of plans and from the delays caused by the Government. If that was the question submitted properly under the act of 1867 to the Marchand Board, then they could not have found other than or as they did find; but such finding cannot be well pleaded as *res adjudicata* to the claims now presented, nor to the pending bill to send these contractors to the Court of Claims for it to investigate what increased cost was caused by the delay and action of the Government, as provided for in this bill, in which, in addition to the safeguards as they now exist in the Court of Claims for the prevention of fraud against the United States, and for the detection of misstatements or mistakes, other precautions have been adopted which seem to the committee sufficient to prevent any wrong or injustice being done to the United States.

We think, in view of all the facts of these cases, that it may be said that the claimants have been assiduous for twenty-three years in their efforts to obtain redress for their alleged grievances. This great lapse of time has been due, not to any want of effort on their part, nor to any rejection by either House of Congress, but solely to the delay incident to the procurement of private legislation. They have never had a hearing, in any proper sense, before any tribunal, and the present bill for their relief is to permit them to appear before the judicial branch of the Government, where their witnesses may be cross examined by the attorneys for the United States, their credibility tested, and the evidence relied upon by the defense be subjected to similar tests.

The committee recommends that the bill be passed.

[Senate Ex. Doc. No. 3, Fortieth Congress, second session.]

NAVY DEPARTMENT,
December 4, 1867.

SIR: An act of Congress approved on the 2d of March last directs the Secretary of the Navy "to investigate the claims of all contractors for building vessels of war and steam machinery for the same, under contracts made after the first day of May, eighteen hundred and sixty-one, and prior to the first day of January, eighteen hundred and sixty-four," and to "report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government *aforesaid*, and the amount already paid the contractor over and above the contract price."

To comply with the requirements of this act, it became necessary to convene a board of officers for the examination of the several claims presented. Commodore J. B. Marchand, Chief Engineer J. W. King, and Paymaster Edward Foster were assigned to this duty, and their report is herewith transmitted.

I have the honor to be, very respectfully,

GIDEON WELLES,
Secretary of the Navy.

HON. BENJ. F. WADE,
President of the Senate *pro tem*.

NAVY DEPARTMENT,
November 26, 1867.

SIR: We have the honor to report that, in obedience to your order of July 6, 1867, we have carefully scrutinized each of the claims presented under the act of Congress approved March 2, 1867, "to investigate the claims of certain contractors for building vessels of war and steam machinery," and respectfully beg leave to inclose herewith the tabular statement called for by said act of Congress.

Messrs. Harlan & Hollingsworth, of Wilmington, Del., did not present a statement of their claims for delays occasioned by the Government while constructing the harbor and river monitor *Saugus* and light-draught monitor *Napa*; but in a letter to you, under date of October 12, they claim to be entitled to the same sum for the *Saugus* that the board may award to the *Tecumseh*, and also to the same sum in case of the *Napa* that may be awarded to the *Casco*.

After examination, the board finds that Messrs. Harlan & Hollingsworth are entitled for the *Saugus* to the same sum that was awarded to Mr. Harrison Loring in the case of the *Canonicus*, viz, \$38,513, but do not find anything due in case of the *Napa*.

We have the honor, sir, to be, very respectfully, your obedient servants,

J. B. MARCHAND,
Commodore and President.
J. W. KING,
Chief Engineer and Member.
EDWARD FOSTER,
Paymaster and Member.

Hon. GIDEON WELLES,
Secretary of the Navy.

Tabular statement showing the result of the action of the board appointed July 6, 1867, by the honorable Secretary of the Navy "to examine the claims of certain contractors for the construction of vessels of war and steam machinery," under act of Congress approved March 2, 1867.

Name of contractor.	Description.	Contract price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract price. (Obtained from the bureau.)
Secor & Co. and Perine, Secor & Co.	River and harbor monitors Manhattan, Tecumseh, and Mahopac	\$1,380,000.00	\$1,236,101.22	\$115,539.01	\$521,195.58
Alexander Swift & Co.	River and harbor monitors Oneota and Catawba	920,000.00	665,757.22	None.	322,849.08
Snowden & Mason	River and harbor monitor Manayunk	460,000.00	339,025.00	None.	166,582.24
Miles Greenwood	River and harbor monitor Tippecanoe	460,000.00	349,455.33	None.	173,327.84
Harrison Loring	River and harbor monitor Canonicus	460,000.00	267,709.40	38,513.00	162,963.22
J. B. & W. W. Cornell	Turrets, etc., Miantonomoh and Tonawanda	282,050.00	461,777.72	None.	292,657.93
Atlantic Works, Boston	Turrets, etc., Monadnoc and Agamenticus	265,000.00	427,323.64	None.	280,322.18
Charles W. Whitney	Ironclad Keokuk				
Snowden & Mason	Light-draft monitor Umpqua	395,000.00	346,457.46	None.	166,582.24
Merrick & Sons	Light-draft monitor Yazoo	395,000.00	234,676.14	None.	175,725.19
Wilcox & Whiting	Light-draft monitor Koka	386,000.00	305,425.21	None.	165,638.53
Donald McKay	Light-draft monitor Nauset	386,000.00	314,768.93	None.	192,110.98
William Perine	Light-draft monitor Naubac	395,000.00	287,470.93	None.	127,440.00
A. & W. Denmead & Sons	Light-draft monitor Wamsaw	395,000.00	321,360.91	None.	198,587.32
George C. Bestor	Light-draft monitor Shiloh	386,000.00	364,073.55	None.	207,311.00
Atlantic Works, Boston	Light-draft monitor Casco	395,000.00	234,067.78	4,852.58	132,702.57
Curtis & Tilden	Light-draft monitor Shawnee	386,000.00	393,138.20	None.	196,329.70
C. W. McCord	Light-draft monitor Etah	386,000.00	364,073.55	None.	207,311.00
McKay & Aldus	Light-draft monitor Squando	395,000.00	337,329.46	None.	194,535.70
George W. Lawrence	Light-draft monitor Wassuc	386,000.00	210,099.62	None.	169,805.37
Aquilla Adams	Light-draft monitor Chimo	395,000.00	377,243.20	4,852.58	225,445.52
Alexander Swift & Co.	Light-draft monitors Klamuth and Ruma	780,000.00	678,446.34	None.	415,970.68
M. F. Merritt	Light-draft monitor Cohoes	395,000.00	318,735.99	4,852.58	201,968.28
J. O. Underhill	Light-draft monitor Modoc	395,000.00	214,435.72	None.	127,669.35
Tomlinson, Harduppee & Co	River monitors Sandusky and Marietta	376,000.00	314,850.36	15,171.00	94,079.14
Donald McKay	Iron double-end Ashuelot	275,000.00	81,447.50	None.	22,415.92
T. F. Rowland	Iron double-ender Muscoota	275,000.00	71,565.21	None.	21,642.83
Zeno Secor	Iron double-ender Mohongo	275,000.00	84,144.13	None.	32,882.23
Harrison Loring	Iron double-ender Winnepec	275,000.00	70,443.16	None.	23,132.24
Paul Curtis	Wooden double-ender Chicopee	75,000.00	20,292.96	None.	5,739.85
George W. Lawrence	Wooden double-enders Agawam and Pontoosuc	150,000.00	50,987.95	None.	10,377.00
Larrabee & Allen	Wooden double-ender Iosco	75,000.00	25,914.90	None.	7,268.68

Tabular statement showing the result of the action of the board appointed July 6, 1867, etc.—Continued.

Name of contractor.	Description.	Contract price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract price. (Obtained from the bureau.)
Edward Lupton.....	Wooden double-ender Lenapee.....	\$75,000.00	\$70,403.94	None.	\$5,923.48
Daniel S. Mershon, jr.....	Wooden double-ender Mingo.....	75,000.00	31,583.34	None.	None.
J. J. Abrahams.....	Wooden double-ender Eutaw.....	75,000.00	17,412.66	None.	200.00
Curtis & Tilden.....	Wooden double-ender Massasoit.....	75,000.00	17,398.82	None.	4,918.41
Daniel S. Mershon, jr.....	Wooden double-ender Cimarron*.....	100,000.00	20,758.79	None.	57.00
Thomas Stack.....	Wooden double-ender Port Royal.....	75,000.00	20,377.49	None.	3,723.30
A. & G. T. Sampson.....	Wooden double-ender Mattabessett.....	75,000.00	16,223.63	None.	4,485.41
Curtis & Tilden.....	Wooden double-ender Osceola.....	75,000.00	25,398.71	None.	4,631.53
F. Z. Tucker.....	Wooden double-ender Mendota.....	75,000.00	27,769.80	None.	4,081.27
Thomas Stack.....	Wooden double-ender Metacomet.....	75,000.00	19,969.98	None.	3,528.17
J. Simonson.....	Wooden double-ender Chenango.....	400,000.00	30,508.02	None.	14,149.27
Globe Works, Boston.....	Steam machinery of ship Guerriere.....	128,000.00	47,773.22	None.	5,142.22
William Perine.....	Iron tug Triana.....	80,000.00	31,049.88	None.	.....
Do.....	Iron tug Maria.....	82,000.00	11,844.96	\$3,694.81	943.89
Poole & Hunt.....	Machinery of wooden double-ender Mackinaw.....	82,000.00	27,518.57	None.	8,494.57
J. P. Morris, Towne & Co.....	Machinery of wooden double-ender Tacony.....	82,000.00			

* Not considered as within the province of the board.

J. B. MARCHAND,
Commodore and President of Board.

J. W. KING,

Chief Engineer and Member of Board.
EDWARD FOSTER,

Paymaster and Member of Board.

NAVY DEPARTMENT, Washington, D. C., November 26, 1867.

NAVY DEPARTMENT,
Washington, January 23, 1878.

SIR: I have the honor to transmit herewith a communication of this date, with accompanying papers, from the Bureau of Construction and Repair, giving information asked for in your letter of the 19th instant, in relation to the construction of the light-draught monitor *Squando*.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Hon. JOHN HANNA,
Subcommittee on Naval Affairs, House of Representatives.

[Extract from Senate Report No. 1345, Fifty-first Congress, first session.]

That claimant was loser on this contract to an amount nearly, if not quite, equal to one-half of the whole contract, there can be but little doubt, as were most, if not all, of the contractors engaged in the construction of the twenty-seven gun-boats mentioned in the report of the Selfridge Board. These contracts were entered into in abnormal times. War was raging, it is true, but many were the predictions then made, by some of our ablest statesmen, that it could not and would not last more than a few months at most. Those who, gifted with the greatest prescience, could not and did not predict as to the future with any degree of accuracy, and few there were, indeed, who in August, 1862, the date when these contracts were entered into, could have been made to believe that nearly three years from that date would find the war still raging with unabated fury, millions of men still in arms, and prices of all kinds of labor, materials, and provisions doubled or trebled in amount.

In discussing this very claim, and others of like character, Senator Sumner (see Cong. Globe, 1865, p. 1892,) said:

"The Senator from Kentucky said that they took the war into their calculations. Perhaps they did; but who among these contractors could take that war adequately into his calculations? Who among those sitting here or at the other end of the avenue properly appreciated the character of the great contest that was then going on? Sir, we had passed half a century in peace; we knew nothing of war or of war preparations, when all at once we were called to efforts on this gigantic scale. Are you astonished that these contractors did not know more about the war than your statesmen? Be to these contractors as gentle in judgment and as considerate as you have been to others in public life who have erred in their calculations with regard to it. (Cong. Globe, page 1987.)

"The building of that invulnerable Navy was one of the great victories of the war, not to be commemorated on any special field, but to be seen in those mighty results which we all now enjoy.

"And now again I ask, are you ready to see these contractors who have done this service sacrificed? You do not allow the soldier to be sacrificed, nor the national creditor who has taken your stock; will you allow the mechanic to be sacrificed? * * * My friend on my right (Mr. Nye) asked you to be magnanimous to these contractors. I do not put it in that way. I ask you simply to be just. Do by them as you would be done by. The Senator from Nevada also very fitly reminded you of the experience of other countries. He told you that England, at the close of the Crimean war, when her mechanics had suffered precisely as your mechanics have suffered, did not allow them to be sacrificed, but every pound and shilling of their liabilities under their contracts was promptly met by that Government. Will you be less just to your mechanics than England? It is an old saying that 'republics are ungrateful.' I hope that this Republic may certainly vie with any monarchy in gratitude to those who served it." (Congressional Globe, page 1887.)

During the same debate Senator Hendricks, of Indiana (see Congressional Globe, pages 1864, 1865), said:

"I am of the opinion that these sums ought to be paid, as a matter of justice and right, by the Government to these contractors. Each case, of course, has its special merits or demerits. But, sir, I believe in the doctrine that where a man contracts to do a great and very important work for the Government, he ought not to be allowed to be a large loser, and, in some cases, as will be the result here, to be broken up by the contract that he may have made, and especially in the case of contracts made at such a time as these were made and for such work as they were made. * * * We had to have these ships; the Government could not progress in the war without them, and great numbers had to be manufactured or contracted for about the same time. What was the effect of that? The Government made a contract with one man, then with another, then with another, and started her own ship-yards with all get taken. To the best of my recollection the highest bid was \$125,000. No additional offers were received for contracts at \$82,000, and I was directed by the Depart-

ment to personally visit the principal shops and urge upon them the acceptance of this work for the \$82,000, a sum which the Department had decided not to exceed. I accordingly visited the shops and used all the arguments I could devise to induce them to accept the work on these terms. In this way contracts for the machinery of twenty-six or twenty-seven vessels were made, and the *Lenapee* was one of that number. Said twenty-six or twenty-seven vessels include those that were awarded on the original proposals as well as those taken on my personal solicitation.

(Counsel for the United States objects to whole of last answer as immaterial; and also objects to such parts of it as state the contents of written instruments, and such as state what the Department decided and ordered.)

Question. State, if you can, the names of vessels for which machinery was contracted under the circumstances you have just related.—Answer. *Sassacus, Patuxet, Tallapoosa, Winooska, Mackinaw, Shamrock, Tallahoma, Taconey, Iosco, Agawam, Pontosuc, Massasoit, Osceola, Mattabessett, Chicopee, Ascutney, Otsego, Metacomet, Chenango, Lenapee, Mendota, Mingoe, Wyalusing, Pontiac, Wateree, Eutaw, Peoria.*

Question. Which two of those were awarded on the bids?

Adjourned at 11.55 a. m. till 1 p. m. November 6, 1873.

NOVEMBER 6, 1873—1 p. m.

Present for the United States, Samuel Huntington, esq.; for the claimant, Martin V. B. Bachman, esq.

Direct examination of Benjamin F. Isherwood (continued):

Answer. The *Mendota* and the *Metacomet*.

Question. State, if you please, what arguments you used to induce the parties who took this contract to construct the machinery to so take it.

(Counsel for the United States objects to as immaterial.)

Answer. The general scope of the arguments was that the Government was very greatly in need of this work, and that, as loyal supporters of the Government, they were bound to meet its needs; that a refusal to do so would place them in the category of those not entitled to the patronage of the Department hereafter. I also stated that, unless the shops responded to the best of their ability to the exigencies of the Department, I would recommend what I had before suggested to the Department—to take possession of the shops and have them operated exclusively for the Government work.

Question. Were the engines put in the twenty-seven vessels you had named similar to those put in the vessel called the *Paul Jones*?

(Counsel for the United States objects to as immaterial.)

Answer. They were of the same type, but of very different dimensions.

Question. In what respect?—Answer. The engines of the *Lenapee* were about 81 per cent larger than those of the *Paul Jones*, making the comparison by capacity of cylinder. The diameter of the cylinder of the *Paul Jones* was 48 inches and its stroke of piston 7 feet. The diameter of the cylinder of the *Lenapee* was 58 inches and its stroke of piston 8½ feet.

Question. What was the weight of the machinery and appurtenances in the *Paul Jones*?

(Counsel for the United States objects to as immaterial.)

Answer. It was 387,398 pounds.

Question. State, if you can, the weight of the machinery and appurtenances in the *Lenapee*.—Answer. Five hundred and thirty-two thousand and ten pounds.

Question. Were you at that time acquainted with the costs of construction of naval machinery of that class?—Answer. I had a general opinion of it, but, not being a builder, I could not depend on that opinion as precise.

Question. Have you since that time become familiar with the subject?—Answer. I have.

Question. Was, or was not, \$82,000 a fair price for the construction of the machinery and appurtenances for the *Lenapee*, in your opinion?

(Counsel for the United States objects to as immaterial.)

Answer. I think it was inadequate.

Cross examined by Samuel Huntington, esq., counsel for the United States:

Question. How do you know the weight of the machinery and appurtenances of the *Lenapee*?—Answer. The contract requires the contractor to furnish an inventory of the weight and material of each part of the machinery and of all its appurtenances, and from these inventories the above weights are given.

Question. Did you ever see these inventories?—Answer. I did; they came to me in my official capacity as chief of bureau.

Question. Did you take copies of memoranda from the inventory of the weight and material of the machinery of the *Lenapee*?—Answer. I had the inventories of the

weights of the machinery for a large number of these vessels, all of which differed more or less, and I took the average, which is the weight given in my testimony, and the average for the whole of them was 532,010 pounds.

Question. Then do I understand you to mean that 532,010 pounds was the exact weight of the machinery and appurtenances of the *Lenapee*?—Answer. No. It was the average weight of the machinery of that class, and probably varied a few per cent from the weight of the *Lenapee*.

Question. By whom was that average computed?—Answer. By myself.

Question. When?—Answer. In 1864 and 1865, and published in 1865 in a work entitled *Experimental Researches in Steam Engineering*, volume second.

By the commissioner:

Question. Do you know of any other matter relative to the claim in question?—Answer. Not that I am aware of.

B. F. ISHERWOOD.

Subscribed and sworn before me this 6th day of November, A. D. 1873.

WILLIAM BLAICKIE,
Commissioner of the United States Court of Claims.

In addition to the safeguards as they now exist in the Court of Claims for the prevention of fraud against the United States, and the detection of misstatements or mistakes, other precautions have been adopted in the bill itself which seem to your committee sufficient to prevent any wrong or injustice being done to the United States.

Wherefore your committee report the bill favorably and recommend that it do pass.

The committee append a letter from Commodore B. F. Isherwood, U. S. Navy, in regard to these vessels; also the contracts marked Exhibit A.

WASHINGTON, D. C., *January 26, 1887.*

DEAR SIR: I have the pleasure of acknowledging the receipt of your communication of the 22d instant, asking me to inform you of the causes of the alterations and changes in the plans of the light-draught monitors constructed during the war for the Navy Department, and the causes of the delays in their construction, and whether these delays caused extra expense to the contractors.

In reply I would refer to the report on this subject made by the Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, United States Senate, volume 3. From this report you will find that, although I was, as you state in your note above referred to, the chief of the Bureau of Steam Engineering in the Navy Department during the war, I had nothing to do whatever with either the designing or the execution of the work for these monitors.

The Navy Department had established what was in effect a bureau for this purpose in New York City, and had placed Mr. Alfano C. Stimers at its head, with a large corps of assistant engineers, draughtsmen, etc. The whole work, hulls and machinery, was entirely in his hands. He was absolutely untrammelled, being allowed carte blanche by the Department, and his acts and plans were never submitted to any other person.

The selection of Mr. Stimers by the Navy Department for this duty was most unfortunate. The selection was wholly the act of Mr. G. V. Fox, then the Assistant Secretary of the Navy, who had unbounded but misplaced confidence in Mr. Stimers's abilities. In making the appointment Mr. Fox did not consult either of the mechanical bureaus of the Navy Department, nor was Mr. Stimers's plans ever submitted to them. The result, as is well known, was a most disastrous failure, due to the absolute and astonishing incapacity of Mr. Stimers, and to the fact of his selection by Mr. Fox without inquiry of the mechanical bureaus as to Mr. Stimers's qualifications. In a professional matter of which Mr. Fox had no knowledge, such a selection without careful investigation of Mr. Stimers's abilities was an act of temerity which in a measure made the Navy Department a party to the cause of failure.

At the commencement, then, Mr. Fox was responsible for a most injudicious selection for a most important position, and Mr. Stimers was responsible for the absurd blunders he committed, and as both represented the Government the latter was to that extent justly responsible for their acts. Under this system twenty vessels were built, all of which (they were exact duplicates) proved absolute failures, their only value being their worth as old material. The cost to the Government was about \$8,000,000, and there was, in my opinion, a considerable loss borne by the contractors chargeable to the action of the Government and not yet compensated.

The contracts were taken at a round sum for a certain amount of work to be done in a certain time, conformably to drawings and specifications to be furnished by Mr. Stimers. The responsibilities of the contractors were limited to the quality of the materials and workmanship, and to the completion of the vessels in the specified time. They were not at all concerned in the final success or failure of the vessels.

From the first the plans were continually changed and important modifications introduced, all in the direction of more expensive work and materials, and requiring longer time for execution. This increased length of time involved greatly increased cost of the work of the contractors, owing to the daily and rapidly increasing rise, at that date, in the cost of materials and labor. The war was then at its height, and the Government was in the market for the whole mechanical resources of the country, which were not able to meet the demand upon them, and, as a result, the price of certain materials and labor used in the construction of ships and machinery rose abnormally high above even the general increase of price. The loss due to this cause was of necessity borne by the contractors, and has never in any of the settlements made been taken into consideration. Had the plans and specifications been delivered to the contractors at the date of the contract, so that they could have then made their purchases of materials, and had there been no changes in these plans and specifications, so that the work could have been prosecuted uninterruptedly to completion without the great delays unavoidable to such changes and alterations, it could have been executed in the contract time, and the contractors would have saved to themselves the rise in the price of materials and labor which took place during the extended time.

There must be here recalled that for the great extension of time in the completion of these contracts the Government alone was responsible by the changes, alterations, and additions it made to the work after the contracts were executed. This extension of time reacted upon the cost of the work as a whole, and though the Government paid a certain sum for additional work, that sum was inadequate to cover the losses of the contractors by the rise in the cost of materials and labor used in the construction of the work done according to the original contract, and which was prolonged in consequence of the alterations and additions.

All that the Government paid for was the price of additional work at current rates, but the work as a whole could only progress together; that which was in accordance with the original contract had to wait until the additions and alterations could be completed, and in the meantime the cost of materials and labor was rising rapidly and enormously. These delays, which no efforts of the contractors could prevent and which were caused exclusively by the action of the Government, were ruinous to the contractors by reason of the continual rise of prices; materials and labor became every day scarcer and scarcer; the shops and plant of the contractors were occupied by the vessels that they could neither abandon nor complete. They could not therefore take other and remunerative work, and they had to keep a full force of workmen, for if they once lost them they could not, at that time, be recovered, so great was the demand.

Some approximation may be furnished of the losses sustained by the contractors from the action of the Government in departing from the original plans and specifications by additions and alterations involving great increase of time, by estimating the cost to the contractors of the original work, had it been done in contract time, which would have been the case but for the interference of the Government, and the cost of the same work done in the extended time caused by the action of the Government taking as the basis the average price of materials and labor in the two cases.

The additions and alterations referred to were due to the incapacity of Mr. Stimers to properly design such vessels. Without knowledge of how to proceed, he was constantly vacillating, doing, and undoing; completed work was destroyed and other work substituted; time was lost between the notification to the contractors that other plans would be prepared in place of those already furnished and the reception of such plans. In fact the character of the vessels was essentially changed during their construction from the original programme; great delays were consequently necessarily experienced, and as the price of materials and labor was continually increasing, due to the continually increasing demand for the same caused by the war, the cost of executing the work which was done according to the original contract was much increased at the expense of the contractors.

Respectfully,

Hon. BENJAMIN BUTTERWORTH.

I certify the above is a true copy.
[SEAL.]

B. F. ISHERWOOD.

WM. H. DAVIS,
Notary Public for New Jersey.

EXHIBIT A.

CONTRACT.

This contract, made and entered into at the city of Brooklyn, in the State of New York, the fifteenth day of August, 1863, between Thomas F. Rowland, of the city of Brooklyn, in the State of New York, as principal, and Henry R. Morgan, of the city of New York, State of New York, and George W. Quintard, of city of New York, State of New York, as sureties, of the first part, and John Lenthall, Chief of the Bureau of Construction and Repair of the Navy Department, acting in the name of the Secretary of the Navy, for and in behalf of the United States of America, of the second part, witnesseth: That the said parties of the first part do hereby contract and agree with the said parties of the second part that, for the consideration hereinafter named, they do hereby covenant and agree for themselves, executors, administrators, and assigns, to build, equip, and fit the hull, spars, spare spars, rigging, blocks, sails, spare sails, awnings, canvas work, boats, tanks, casks, and all the equipments and outfits connected therewith, necessary for one iron paddle-wheel gunboat, to be delivered afloat, and completely supplied with equipments and outfits, except the anchors, cables, furniture, cooking utensils, instruments, stores, ordnance and ordnance stores, but in every other respect fit for sea service, except the steam machinery, which is the subject of another contract with the said parties of the first part. The date from which the time of completion is to be reckoned is to be the 5th of August, 1863, which is the date hereinafter referred to.

The said parties of the first part further agree that the said vessel, equipments, and outfits shall conform in all respects to the specifications and drawings furnished, which constitute a part of this contract, and are to govern the parties hereby contracting as truly as if the same were incorporated in this instrument; nor is the omission therein of any detail or object necessary to carry into effect this agreement to be to the detriment of the United States, but the same shall be furnished without any additional charge whatever.

The said parties of the first part further agree that all the materials shall be of the very best quality and free from defects; that the equipments and outfits shall conform to those used in the United States Navy, so that they may be used in connection therewith, and each and all respectively bearing the tests made of similar articles in the naval service.

It is further agreed by the parties of the first part that the person or persons appointed by the Navy Department to inspect the work shall have the power of rejecting, in any stage of its progress, any materials or articles that they may consider defective either in material or workmanship, and to whom every part and arrangement must be satisfactory; and they will provide the said inspectors a suitable and convenient office room, and afford them satisfactory facilities for superintending the work.

The said parties of the first part further agree and contract that the aforesaid vessel shall, with the machinery on board, be completed in eleven months from the date in this contract, and shall be promptly delivered at their expense to the Navy Department at the nearest navy-yard.

The parties of the first part further agree that the magazines, shell rooms, light boxes, shot-lockers, shot racks, and all parts connected therewith, with the iron ring and other bolts, and all arrangements connected with the hull and appertaining to the armament, shall be in accordance with such instructions as may be given from the Ordnance Bureau of the Navy Department; that all the apartments, staterooms, store and other rooms, and fittings of every kind, shall be conveniently arranged and fitted to the satisfaction of the inspector appointed by the Navy Department.

It is further agreed by the parties of the first part to hold the United States harmless against any demand for patent fees for any patented invention of any article or arrangement that may be used by them in the construction of this vessel, and before the final payment shall be made to furnish the Navy Department with the proper release from such patentee.

And the said parties of the first part do further engage and contract that no Member of Congress, officer of the Navy, or any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract or agreement, or to any benefit to arise therefrom. And it is hereby expressly provided that this contract is upon this express condition, that if any such Member of Congress, officer of the Navy, or other person aboved named, shall be admitted to any share or part of this contract, or to any benefit to arise under it, or in case the parties of the first part shall in any respect fail to perform this contract on their part, the same may be, at the option of the United States, declared null and void without affecting their right to recover for default that may have occurred.

It is further agreed that, in case of failure or neglect on the part of the party of the first part to fulfill the stipulations of this contract and have the vessel delivered as above stipulated, the Navy Department may, at its option, enter in and take possession of and direct purchases to be made of all the necessary materials, and cause the vessel to be completed and fully equipped as heretofore described; and any excess of cost will be at the expense of the said party of the first part, provided the delay has not been occasioned by the action of the Navy Department.

And the said United States, by the parties of the second part, do hereby contract and engage with the said parties of the first part as follows:

That the total price to be paid for the hull, equipments, and outfits, completed under all the conditions of this contract, and according to the drawings and specifications, is to be one hundred and seventy-one thousand dollars (\$171,000); the payments to be made in six equal parts as the work progresses, with a reservation of 20 per centum from each part of 28,500 dollars.

But if the vessel should be completed in all respects, as contemplated in this contract, before the time stipulated, then the above price of one hundred and seventy-one thousand dollars is to be increased at the rate of one thousand seven hundred and ten dollars per month; and, in like manner, if the vessel should not be so completed, then the above price of one hundred and seventy-one thousand dollars is to be decreased at the rate of one thousand seven hundred and ten dollars per month.

The bills for these payments to be presented in triplicate, certified by the superintendent appointed by the Navy Department that the one-sixth part of the value of this contract in labor and materials has been furnished in due proportion to the time; which bills, when duly approved by the parties of the second part, shall be paid to the said parties of the first part, or to their order, by the Navy agent at — within ten days after the warrants for the same shall have been passed by the Secretary of the Treasury.

It is further mutually understood and agreed that the sixth payment is not to be made until the vessel is finished as this contract provides; and that, to entitle the said parties of the first part to the twenty per centum reserved as above named, the hull, equipments, and outfits must be complete and satisfactory to the Navy Department; and the payment thereof, or as much as may be due, shall be received by the parties of the first part in full consideration of the complete fulfillment of this contract.

It is further agreed that the Navy Department shall have a lien on the vessel and on all the materials provided for the fulfillment of this contract, for the money advanced or paid by the United States on account thereof; and the said parties of the first part agree that they will keep the vessel and materials, or as much of them as are exposed and liable to injury, insured against fire and flood to the amount which may be paid on account of this contract until delivered to the Navy Department, the policies being made payable to the United States.

It is further agreed by the parties of the first part, as required by the 14th section of the act of Congress approved July 17, 1862, that neither this contract nor any interest therein shall be transferred to any other party or parties; and that any such transfer shall cause the annulment of the contract, as far as the United States are concerned; and that all rights of action are hereby reserved to the United States for any breach of this contract by the said parties of the first part.

THOMAS F. ROWLAND. [SEAL.]
HENRY R. MORGAN. [SEAL.]
GEO. W. QUINTARD. [SEAL.]

Signed, sealed, and delivered in the presence of—

D. B. COBB,
WM. D. JONES,
As to Morgan & Quintard.
A. B. FARWELL.

JOHN LENTHALL.

Extract from a law of the United States approved July 17, 1862.

SEC. 16. *And be it further enacted,* That whenever any contractor for subsistence, clothing, arms, ammunition, munitions of war, and for every description of supplies for the Army or Navy of the United States shall be found guilty by a court-martial of fraud or willful neglect of duty, he shall be punished by fine, imprisonment, or such other punishment as the court-martial shall adjudge; and any person who shall contract to furnish supplies of any kind or description for the Army or Navy, he shall be deemed and taken as a part of the land or naval forces of the United States for which he shall contract to furnish such supplies, and be subject to the rules and regulations for the government of the land and naval forces of the United States.

STATE OF NEW YORK, *City and County of New York*, ss:

Henry R. Morgan, being duly sworn, deposes and says that he resides in the city of New York, in the State of New York; that he is a gentleman; and that the value of his property, over and above all debts and liabilities incurred by him, is over one hundred thousand.

HENRY R. MORGAN.

Sworn and subscribed this fifteenth day of August, 1863, before me,

WM. D. JONES,
Notary Public, 74 Wall St.

STATE OF NEW YORK, *City and County of New York*, ss:

George W. Quintard, being duly sworn, deposes and says that he resides in the city of New York, in the State of New York; that he is an engine builder; that the value of his property over and above all debts and liabilities incurred by him is over one hundred thousand.

GEO. W. QUINTARD.

Sworn and subscribed this fifteenth day of August, 1863, before me.

[SEAL.]

WM. D. JONES,
Notary Public, 74 Wall St.

I certify that I have made due and diligent personal inquiry as to the ability of the sureties in this contract, and am satisfied that they are good and sufficient for the sum of one hundred and seventy thousand dollars.

J. HENDERSON, *Navy Agent.*

CONTRACT.

This contract, made and entered into at the city of Brooklyn, in the State of New York, the fifth (5th) day of August, 1863, between Thomas F. Rowland, of the city of Brooklyn, in the State of New York, as principal, and George W. Quintard and Henry R. Morgan, of the city of New York and State of New York, as sureties, of the first part, and B. F. Isherwood, Chief of the Bureau of Steam Engineering, Navy Department, acting in the name of the Secretary of the Navy, for and in behalf of the United States of America, of the second part, witnesseth: That the said parties of the first part do hereby contract and agree with the said parties of the second part that, for the consideration hereinafter named, they do hereby covenant and agree for themselves, executors, administrators, and assigns, to build and erect, at their expense and risk, in a secure and finished state, fit in every respect for sea service, in the United States iron paddle-wheel steamer *Muscoota*, at their works in Brooklyn, all the machinery necessary to the propulsion of the same, by a single inclined paddle-wheel engine of fifty-eight (58) inches diameter of cylinder and eight (8) feet nine (9) inches stroke of piston, with two main boilers and two superheating boilers, together with all appurtenances, coal bunkers, instruments, tools, and spare pieces that may be required for proper working according to the usages of the naval service.

The said parties of the first part further agree that the said machinery, appurtenances, coal bunkers, instruments, tools, and spare pieces shall conform in all respects to the specifications and list of articles hereunto attached, which constitute a part of this contract, and are to govern the parties hereby constructing as truly as if the same were incorporated in this instrument; nor is the omission therein of any detail or object necessary to carry into effect the intent of this agreement to be to the detriment of the United States; but the same shall be furnished by the said parties of the first part to the satisfaction of the said parties of the second part without extra compensation therefor.

The said parties of the first part further agree that all the materials, workmanship, detail, and finish shall be of the first class, and the engines and boilers proportioned to furnish and sustain continuously a working pressure of 40 pounds per square inch above the atmosphere.

The said parties of the first part further agree that the Secretary of the Navy shall have the right to appoint a person to superintend the construction of the machinery, who shall have power to inspect it at all times and to peremptorily reject in any stage of its progress any materials or articles, or any piece or part which he may consider defective, either in quality of material or of workmanship, or in property of detail; and that they will provide the said person suitable and convenient office room and afford him satisfactory facilities for superintending the work.

The said parties of the first part do further agree that they will make, at their cost, and deliver to the Navy Department within one month, for the completion of the machinery, neat drawings on double elephant paper, made to scale, of every piece or part used in the construction thereof; also, general plans showing the combination and arrangement of the whole, all to be in sufficient detail, with dimensions figured on, to enable the same to be again constructed, together with an inventory of the weight and material of each part of said machinery and of all its appurtenances.

It is further agreed by the parties of the first part to hold the United States harmless against any demand for patent fees for any patented invention for any article or arrangement that may be used by them in the construction of the machinery of this vessel, and, before the final payment shall be made, to furnish the Navy Department with a proper release from such patentee.

And the said parties of the first part do further engage and contract that no Member of Congress, officer of the Navy, or any person holding any office or appointment under the Navy Department shall be admitted to any share or part of this contract or agreement, or to any benefit to arise therefrom. And it is hereby expressly provided, and this contract is upon the express condition, that if any Member of Congress, officer of the Navy, or other person above named shall be admitted to any share or part of this contract or to any benefit to arise under it, or in case the parties of the first part shall, in any respect, fail to perform this contract on their part, the same may be, at the option of the United States, declared null and void, without affecting their right to recover for the defaults which may have occurred.

And the said parties of the first part do further agree that the said machinery, appurtenances, coal bunkers, instruments, tools, and spare pieces, complete in all respects, and ready for continuous sea service, shall be on board the vessel within eleven (11) months from the date of this contract (the hull of the vessel being the subject of another contract with the said parties of the first part), unless prevented by the act of the Government, or by circumstances beyond the control of the parties of the first part, it being understood that by "circumstances beyond the control of the parties of the first part" is meant accidents by fire or water to the machinery on the premises of the parties of the first part, or while being erected in the vessel; but delays by persons furnishing the parties of the first part with stock or material, or caused by loss of castings or forgings condemned for any reason whatever, are not within the meaning of the phrase "circumstances beyond the control of the parties of the first part."

And it is further agreed and mutually understood that in case the machinery shall not be fully completed in the vessel ready for sea service at the expiration of the said eleven (11) months after the said parties of the first part are notified that the vessel is at their command, the said party of the second part is authorized to take possession of said machinery and complete it at the expense of the said parties of the first part.

The said parties of the first part do hereby guarantee the following points:

First. A successful and satisfactory operation at sea of every part of the machinery and appurtenances during a trial of one hundred and forty-four consecutive hours, under steam of the maximum pressure that the boiler can be made to furnish, not exceeding 40 pounds per square inch above the atmosphere; during which time the lubrication is to be thorough and easy, the journals free from heating, the stationary parts free from working or motion on their fastenings, and the whole performance of such a character as to demonstrate the satisfactory strength, reliability, practical efficiency, and durability of the entire machinery.

Second. That during the period of three months from the termination of the above trial there shall be no deterioration or depreciation of the materials of which any of the machinery and its appurtenances are composed beyond that of ordinary friction, and that there shall be no fracture of any of the parts from imperfection in design of detail or from faulty workmanship.

Third. That the vacuum during the trial of one hundred and forty-four hours aforesaid shall at no time be less than $26\frac{1}{2}$ inches of mercury.

The entire responsibility of fulfilling the above guarantees is to rest with the said parties of the first part, who will make their own working drawings, rigorously adhering to the specifications hereunto annexed and the general drawings furnished, forming part of this contract, for such parts as are therein given, taking particular care that all the parts come accurately together with the proper clearances and symmetry.

It is also further agreed and mutually understood that in the event of a failure from imperfection in the design of the detail, malconstruction of the machinery, fault of workmanship, or by reason of the quality and composition of the materials used at any time during the trial trip of one hundred and forty-four hours, and within the stipulated three months thereafter, the Navy Department is authorized to have all

modifications, alterations, substitutions, and repairs made to the extent that it will give permanently a satisfactory operation; and the sum or sums paid therefor shall be at the expense of the said parties of the first part.

It is further agreed and mutually understood that during the trial trip of one hundred and forty-four hours the parties of the first part shall have the right of having the machinery placed under the management and control of an engineer appointed and paid by them, who shall, during such trial, be subject to the regulations of the naval service, and such personal and official supervision of the engineers appointed by the Navy Department as may be directed by the Secretary of the Navy, and to secure a fair and satisfactory test of the machinery.

And the said United States, by the parties of the second part, do hereby contract and engage with the said parties of the first part as follows:

That the total price to be paid for the machinery, appurtenances, coal bunkers, tools, and spare pieces completed under all the conditions of this contract, and according to the drawings and specifications, is to be one hundred and four thousand (\$104,000) dollars; the payments to be made in six (6) equal parts as the work progresses, with a reservation of twenty (20) per centum from each part of \$17,333 $\frac{1}{3}$.

But if the machinery, appurtenances, coal bunkers, tools, and spare pieces should be completed in all respects, as contemplated in this contract, before the time stipulated, then the above price of one hundred and four thousand (\$104,000) dollars is to be increased at the rate of one thousand and forty (\$1,040) dollars per month; and in like manner, if the machinery, appurtenances, coal bunkers, tools, and spare pieces should not be so completed, then the above price of one hundred and four thousand (\$104,000) dollars is to be decreased at the rate of one thousand and forty (\$1,040) dollars per month.

The bills for these payments to be presented in triplicate, certified by the superintendent appointed by the Navy Department that the one-sixth part of the value of this contract in labor and materials has been furnished and done on this contract; which bills, when duly approved by the parties of the second part, shall be paid to the said parties of the first part, or their order, by the navy agent at the city of New York within ten days after the warrants for the same shall have been passed by the Secretary of the Treasury.

It is further mutually understood and agreed that the last payment is not to be made until the machinery, appurtenances, coal bunkers, tools, and spare pieces are finished, as this contract provides; and that, to entitle the said parties of the first part to the twenty (20) per centum reserved as above named, the machinery, appurtenances, coal bunkers, tools, and spare pieces must be complete and satisfactory to the Navy Department, and the machinery must have operated during the said three months as guaranteed, without deterioration or fracture; and the payment thereof, or as much as may be due, shall be received by the parties of the first part in full consideration of the complete fulfillment of this contract.

And it is further agreed that, within forty-five (45) consecutive days after the vessel is delivered fully completed, the Navy Department will have prepared it for sea and commenced the trial of one hundred and forty-four hours; and in default of this, any additional time that may elapse shall be deducted from the three months aforesaid intervening between the next to the last and last payments.

And the said parties of the first part do further agree that the Navy Department shall have a lien on the machinery, and on all the materials, etc., provided for the fulfillment of this contract, for the money advanced or paid by the United States on account thereof, and that they, the said parties of the first part, will keep the machinery, materials, etc., insured against loss by fire to the amount which may be paid on account of this contract, the policies, in case of loss, being made payable to the Government.

It is further agreed by the parties of the first part, as required by the 14th section of the act of Congress approved July 17, 1862, that neither this contract nor any interest therein shall be transferred to any other party or parties; and that any such transfer shall cause the annulment of the contract, as far as the United States are concerned; and that all rights of action are hereby reserved to the United States for any breach of this contract by the said parties of the first part.

EDM'D P. ROGERS.

T. F. ROWLAND. [SEAL.]
GEO. W. QUINTARD. [SEAL.]
HENRY R. MORGAN. [SEAL.]

Signed, sealed, and delivered in the presence of—
EDM'D P. ROGERS.

CITY, COUNTY, AND STATE OF NEW YORK,
United States of America, ss:

On this twenty-first day of September, 1863, before me, William W. Goodrich, a notary public in and for the State of New York, personally came Henry R. Morgan,

to me personally known to be one of the individuals described in and who executed the foregoing instrument and acknowledged the execution thereof.

Witness my hand and official seal at the city of New York this 21st day of September, 1863.

[SEAL.]

WILLIAM W. GOODRICH,
Notary Public, 74 Wall St.

CITY, COUNTY, AND STATE OF NEW YORK,
United States of America, ss:

On this twenty-first day of September, 1863, before me came Edmund P. Rogers, to me known, the subscribing witness above named, who being by me sworn, did depose and say that he resides in the city of New York, county aforesaid; that he knows Thomas F. Rowland and George W. Quintard, the executants above named, and who executed the above instrument; that he was present and saw the said Thomas F. Rowland and George W. Quintard execute the same, and that he thereupon subscribed his name as a witness thereto.

WM. W. GOODRICH,
Notary Public, 74 Wall St.

To. B. F. I.

[SEAL.] EDW. B. NEALLEY.

B. F. ISHERWOOD. [SEAL.]

STATE OF NEW YORK, *County of New York, ss:*

George W. Quintard, being duly sworn, deposes and says that he resides in the city of New York, in the State of New York; that he is a householder, and that the value of his property, over and above all debts and liabilities incurred by him, is over fifty-two thousand (\$52,000) dollars.

GEO. W. QUINTARD.

Sworn and subscribed this 18th day of September, 1863, before me.

FRANCIS T. JOHNSON,
Notary Public for City and County of N. Y.

STATE OF NEW YORK, *County of New York, ss:*

Henry R. Morgan, being duly sworn, deposes and says that he resides in the city of New York, in the State of New York; that he is a freeholder, and that the value of his property, over and above all debts and liabilities incurred by him, is over fifty-two thousand (\$52,000) dollars.

HENRY R. MORGAN.

Sworn and subscribed this 21st day of Sept., 1863, before me.

WM. W. GOODRICH,
Notary Public, 74 Wall St.

I certify that I have made due and diligent personal inquiry as to the ability of the sureties in this contract, and am satisfied that they are good and sufficient for the sum of fifty-two (\$52,000) dollars each.

J. HENDERSON, *Navy Agent.*

Extract from a law of the United States approved July 17, 1862.

SEC. 16. *And be it further enacted,* That whenever any contractor for subsistence, clothing, arms, ammunition, munitions of war, and for every description of supplies for the Army or Navy of the United States, shall be found guilty by a court-martial of fraud or willful neglect of duty, he shall be punished by fine, imprisonment, or such other punishment as the court-martial shall adjudge; and any person who shall contract to furnish supplies of any kind or description for the Army or Navy, he shall be deemed and taken as a part of the land or naval forces of the United States for which he shall contract to furnish said supplies, and be subject to the rules and regulations for the Government of the land and naval forces of the United States.

CARRIERS ENGAGED IN INTERSTATE COMMERCE AND THEIR EMPLOYEES.

FEBRUARY 16, 1898.—Ordered to be printed.

Mr. KYLE, from the Committee on Education and Labor, submitted the following

REPORT.

[To accompany S. 3662.]

The Committee on Education and Labor, having had under consideration the bill (S. 3662) "Concerning carriers engaged in interstate commerce and their employees," respectfully report as follows:

The measure under consideration may properly be called a voluntary arbitration bill, having for its object the settlement of disputes between capital and labor, as far as the interstate transportation companies are concerned. The necessity for the bill arises from the calamitous results, in the way of ill-considered strikes arising from the tyranny of capital or the unjust demands of labor organizations, whereby the business of the country is brought to a standstill and thousands of employees, with their helpless wives and children, are confronted with starvation.

Bills similar to this have twice passed the House of Representatives with little objection from railway corporations or the organizations representing their employees. The latter appeared through their representatives and were given a full hearing by your committee. The views of these men, together with a strong letter from Mr. Edward T. Moseley, secretary of the Interstate Commerce Commission, who also addressed the committee, are subjoined.

It is our opinion that this bill, should it become a law, would reduce to a minimum labor strikes which affect interstate commerce, and we therefore recommend its passage.

Letter of Ed. T. Moseley, Secretary of the Interstate Commerce Commission.

This bill carefully excludes from its operation all but common carriers by rail, engaged in interstate commerce, and their employees who are engaged in train service or train operation, namely, locomotive engineers, locomotive firemen, conductors, trainmen (which includes yardmen, switchmen, brakemen, etc.), and also railway telegraphers.

When an industry is of a strictly private character, the quarrels of employer and employed, so long as they do not result in a breach of the peace, do not interest the public generally, and may be left to go on indefinitely, even to the entire exhaustion of the parties and to the complete ruin of the industry itself; but the industry this bill deals with is of a public nature, and has often been so pronounced by the courts. It is wise to facilitate the speedy and peaceful settlement of the differences of those engaged in it, but the paramount duty is to take care that it shall go on at all hazards. Grievances are to be redressed, of course, with all the promptness which their investigation will permit; but in the interim the public interests must not suffer, and the business the bill is concerned with must go on with the least possible inter-

ruption. It is for that reason, among others, that the scope of the bill is limited as above stated. One of the main provisions of the bill is that the chairman of the Interstate Commerce Commission and the Commissioner of Labor are jointly charged by the act with the duties of mediation and conciliation. No one will doubt their preeminent fitness for such duties.

That arbitration should be resorted to for the settlement of controversies between employers and their employees need not at this time be discussed. The only alternative is industrial wars, and they are as illogical, as brutal, and as wasteful as the wars by which international disputes are only too often accompanied.

Assuming arbitration to be both desirable and needful, what are the governing principles to be applied in providing for it, it being borne in mind that we are dealing with the one special industry carried on by common carriers engaged in interstate transportation? These principles relate to the tribunal of arbitration, the subjects of arbitration, the parties to the arbitration, the conduct of the parties pending the arbitration, the effect of the award and its enforcement.

The tribunal of arbitration should, it is believed, be a special body organized on fixed principles with reference to each particular case as it arises, rather than a permanent body with general jurisdiction over all cases.

The scheme of this bill is that when conciliation and mediation have failed a tribunal shall be organized in each particular case, one member of which shall be a representative of the employer, another a representative of organized labor, and these two are to select a third, except in cases where it otherwise can not be accomplished, when the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall so select.

The object of the framers of this bill has been to provide a remedy which shall commend itself largely to the judgment of both employer and employed, because it would be futile to attempt to fix a plan for settling disputes by beginning a dispute in the outset. But the power of the railway brotherhoods, acting more and more in friendly cooperation with the best and most liberal railway managers, will surely, with this bill having become a law, bring about a method of settling disputes that will be honorable to both parties, and the conclusions so reached will be satisfactory. In every dispute where arbitration is resorted to there must be a common ground between the two sides; and there is when both adopt for their motto "Do ut des," "I give, that you may give," instead of "you give all, while I give none."

While it is broadly asserted that the power of the wage earner to mutiny or desert is the germ of all improvement in his condition, this principle, however applicable in a general sense, can not be fully applied in the case of the railroad and the railroad employee. Here certain obligations are due to the public which are not required in other industrial pursuits; and as these obligations are due to the public, so the public should, in justice, provide some means by which the disputes which arise between the employee and the railroad company may be fairly and honorably settled.

With the corporations as employers on one side and the organizations of railway employees as the other, there will be a measure of equality of power and force which will surely bring about the essential requisites of friendly relation, respect, consideration, and forbearance.

A prominent English economist has said that the reason of strikes is rather because of the weakness of organization than because of its strength; since, if the organization were powerful, the corporation in self-preservation would listen to almost any reasonable request or demand rather than precipitate a contest which would jeopardize the vast interests confided to its care and control.

It has been shown before the labor commission of England that where the associations are strong enough to command the respect of their employers the relations between employer and employee seem most amicable. For there the employers have learned the practical convenience of treating with one thoroughly representative body instead of with isolated fragments of workmen; and the labor associations have learned the limitations of their powers.

The men employed by the railways to conduct the transportation business of the country last year were 826,620. They constitute an army 98 per cent as large as the active German army, 73 per cent as large as the active army of France, six times as large as the active army of Great Britain, and more than thirty times as large as the standing army of the United States in these days. For every 79 inhabitants of this country, men, women, and children, there was last year one railway employee, and one for every fifteen of the popular vote cast at the last Presidential election. The railway workers of the country number more men than the entire voting population of the States of New Hampshire, Vermont, Rhode Island, Delaware, Florida, North Dakota, South Dakota, Nevada, and Colorado—nine sovereign States—and if the railway employees had similar representation in Congress, they would be represented on its floors by eighteen Senators and fifteen Members of the House. The total number of railway employees make a body of people larger than the entire population of the States of Nevada, New Hampshire, Delaware, and the District of

Columbia. Think for a moment what this grand army is, what destinies it holds in its hands, what power it exercises, what it refrains from exercising, and then remember that it is to be feared by no one because it breathes and moves and has its being in the sacrificial love which every man feels for his hearth and those who cluster about it.

PEORIA, ILL., *February 12, 1898.*

SIR: The railway labor organizations represented by us are earnestly in favor of arbitration in disputes between railway companies and their employees as embodied in the bill introduced by Senator Lodge and the measure lately introduced by yourself. A similar bill has twice passed the House of Representatives, and a favorable report on the subject by the Senate committee has been presented by you. Two great political parties have inserted planks in their national platform in favor of the arbitration sought by organizations of railway employees. Fifteen or more of the States have provided for the settlement of labor disputes by arbitration.

It is an essential part of any practical plan of arbitration that some Federal officer shall be charged with the duty of taking cognizance of an existing controversy between employees and the railway company at the outset, and endeavoring to conciliate or act as mediator with a view of securing prompt adjustment of the difficulties. In case of failure along that line such officer should endeavor to persuade the parties to adopt provided arbitration as the method of settlement, and to do so before severance of the relations of employer and employee through declarations of war by either party.

Anyone familiar with the history of the relations between capital and labor must be convinced that in the matter of wages the efforts of labor organizations have, as a rule, been directed toward resisting reductions or securing restoration of wages formerly paid. In other words, they have acted on the defensive. This is eminently true of railway employees, and no class of employed persons can be more desirous of maintaining harmonious relations with their employers. It seems to be thoroughly conceded, also, that legislation by Congress, so as to provide arbitration in disputes arising from the semi-public duties in which railway men are engaged, is not only appropriate but in line with the policy of Federal protection and regulation of interstate commerce.

We believe it is only consistent that an incorporation of employed persons should enjoy the same general privileges and immunities that are conferred upon corporations of capital.

After a very careful consideration of the entire question, we have no hesitancy in urging a favorable report on the bill by your committee, and we hope that it will speedily be placed upon the statute books.

Very respectfully,

E. E. CLARK,
Order Railway Conductors.
FRANK P. SARGENT,
Brotherhood Locomotive Firemen.
P. M. ARTHUR,
Brotherhood Locomotive Engineers.
P. H. MORRISEY,
Brotherhood Railroad Trainmen.
W. V. POWELL,
Order Railway Telegraphers.

Hon. JAMES H. KYLE,
Chairman Committee on Education and Labor, United States Senate.

FEBRUARY 14, 1898.

DEAR SIR: That the principle of arbitration as a means for the settlement of disputes or misunderstandings between employer and employee is sound can not here be discussed; in fact, it is admitted on every side, and public opinion has on several occasions given a most emphatic expression of approval of this method of arriving at a satisfactory settlement of disputes between labor and employers of labor. Recognizing this forceful and potential influence, the great political parties indorsed the principle by declaring in favor of its enactment into law in their respective platforms.

The operations of this bill apply only to persons engaged in interstate commerce, and while no opposition to the bill has appeared before your committee, the five great brotherhoods of the railways of this country have, by letter, telegrams, and personal representation, petitioned your committee to report favorably on the measure.

The operations of this bill would unquestionably reduce the possibility of strikes to the minimum, and, indeed, those who seek its passage urge this as the primary cause for its adoption.

The organizations which I have the honor to represent before your committee are inspired to petition for the passage of this act by an experience in strikes, too often occasioned by insignificant if not trifling causes, which I am entirely convinced could have been avoided by arbitration such as is provided for in this measure.

The preliminary provision making the chairman of the Interstate Commerce Commission and the Commissioner of the Bureau of Labor mediators and conciliators to amicably and satisfactorily close any controversy arising between employer and employee is wisdom and in all probability will terminate 90 per cent of every question referred to them. I believe that the best way to end a strike (without sacrificing principle or honor) is to avoid it.

Please accept my thanks, and through me the thanks and appreciation of the organizations which I have the honor to represent, for your kindness in permitting me to address your committee this morning in behalf of this bill.

Very respectfully,

W. F. HYNES.

Hon. JAMES H. KYLE,
Chairman Committee on Education and Labor,
United States Senate, Washington D. C.

CHICAGO, ILL., February 14, 1898.

WILLIAM G. EDENS,
Assistant Superintendent Free Delivery System, Washington, D. C.

The Brotherhood of Railroad Trainmen is pledged to the principle of arbitration as a means of adjusting disputes between railway companies and their employees. I believe that if the arbitration bill becomes a law we will have seen the end of strikes and labor disturbances on railways. Thus railway interests will be made better and the employees will have the assurance that their individual and collective rights will not be disregarded. In the name of the Brotherhood of Railroad Trainmen you are commissioned to give the arbitration measure hearty indorsement.

P. H. MORRISSEY, *Grand Master.*

DEPARTMENT OF LABOR,
Washington, D. C., February 14, 1898.

My DEAR SIR: I am in receipt of your note of even date, handing me a copy of Senate bill No. 3653, concerning carriers engaged in interstate commerce and their employees. This bill, as I understand it, is precisely the same as House bill No. 4372.

In answer to your request for my opinion of the bill, I have to say that, so far as I am concerned, it meets my hearty approval, and I sincerely trust your committee will report the bill, and that its action may be approved by the Congress. Broadly, it is a bill which, in its provisions, seeks to place labor on a more thorough business basis than it now occupies. In its most material sections it brings to labor organizations an opportunity for really perfecting their work and for cooperating with the managers of railroads in preventing strikes and violence, in avoiding threats, and in eliminating intimidations. It also gives employees an opportunity to be heard, when receivers are in control of railroads, upon the question of the reduction of their wages and the conditions of their employment, should changes therein be sought by receivers. This section alone should bring the bill the unanimous support of railway employees.

I have heard it said that the bill provides for compulsory arbitration, but this is not true in any sense. It provides, so far as arbitration is concerned, for immediate action, first, to secure conciliation or mediation, and failing in that, the constitution of a board of arbitration, the awards of which may be final, should the parties coming before it agree that they shall be. The rights, privileges, and prerogatives of both labor and capital, as represented in the operation of interstate railroads, are thoroughly secured and protected by the bill.

The bill, should it become a law, will not solve any phase of the labor problem nor prevent strikes entirely, but it will do much to steady the forces involved and afford a powerful and even effective balance wheel in interstate controversies. In the interest of successful railroad operation, which must be preserved in order to have our industries properly carried on, I trust your committee may report the bill favorably.

I am, respectfully,

CARROLL D. WRIGHT,
Commissioner.

Hon. JAMES H. KYLE,
Chairman Committee on Education and Labor,
United States Senate, Washington, D. C.

MILITARY ACADEMY APPROPRIATION BILL.

FEBRUARY 16, 1898.—Ordered to be printed.

Mr. SEWELL, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 7555.]

The Committee on Appropriations, to whom was referred the bill (H. R. 7555) making appropriations for the Military Academy for the fiscal year ending June 30, 1899, having considered the same, report the bill to the Senate with amendments, and submit herewith a statement showing the amount of the estimates for the Military Academy for 1899, the amount provided by the bill as passed the House of Representatives, the amount recommended by the committee, and the amount of appropriations for the Military Academy for the fiscal years 1882 to 1898, inclusive.

MILITARY ACADEMY, 1899.

Amount of estimates for 1899.....	\$640, 310. 45
Amount of House bill.....	454, 240. 83
Increase recommended by the committee	4, 448. 40
Amount as reported to the Senate	458, 689. 23
Amount of law for 1898	479, 572. 83
The bill as reported is less than the estimates.....	181, 621. 22
The bill as reported is less than the appropriations for 1898	20, 883. 60

The items of increase recommended by the committee are as follows:

INCREASE.

For pay of general army service.....	\$2, 278. 40
For pay of cavalry detachment.....	2, 170. 00
Total increase.....	4, 448. 40
Total amount as reported to the Senate.....	458, 689. 23

Comparative statement showing the appropriations for 1898, the estimates for 1899, the amounts provided by the House bill, and the amounts recommended by the Committee on Appropriations for 1899.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate Committee, 1899.
Pay of professors and others.....	\$202,000.00	\$227,340.00	\$197,000.00	\$197,000.00
Extra pay of army officers on detached service at the Military Academy.....	21,964.51	22,589.63	21,764.51	21,764.51
Pay of Military Academy band, field musicians, general army service, cavalry detachment, and enlisted men on detached service, and extra pay of enlisted men on special duty.....	55,341.82	62,527.82	59,427.82	63,876.22
Pay of civilians employed at the academy...	26,800.00	36,120.00	28,420.00	28,420.00
Total pay of Military Academy.....	306,106.33	348,577.45	306,612.33	311,060.73
Current and ordinary expenses.....	73,502.50	70,620.50	68,720.50	68,720.50
Miscellaneous items and contingent expenses.	17,720.00	20,505.00	17,925.00	17,925.00
Buildings and grounds	82,244.00	200,607.50	60,983.00	60,983.00
Total, Military Academy	479,572.83	640,310.45	454,240.83	458,689.23

Amount of Military Academy appropriation acts for the fiscal years 1882 to 1898, inclusive.

1882.....	\$322,435.37	1891.....	\$435,296.11
1883.....	335,557.04	1892.....	402,064.64
1884.....	318,657.50	1893.....	428,917.33
1885.....	314,563.50	1894.....	432,556.12
1886.....	310,021.64	1895.....	406,535.08
1887.....	297,805.00	1896.....	464,261.66
1888.....	419,936.93	1897.....	449,525.61
1889.....	315,043.81	1898.....	479,572.83
1890.....	902,766.69		

LEGAL REPRESENTATIVES OF JOHN C. HOWE.

FEBRUARY 16, 1898.—Ordered to be printed.

Mr. PLATT, of Connecticut, from the Committee on Patents, submitted
the following

REPORT.

[To accompany S. 435.]

The Committee on Patents, to whom was referred the bill (S. 435) for the relief of the legal representatives of John C. Howe, deceased, having had the same under consideration, find that bills similar to the one introduced at this session have been reported favorably by this committee in the Fifty-second Congress, in the Fifty-third Congress, and in the Fifty-fourth Congress, and that the bill reported to the Senate in the Fifty-third and Fifty-fourth Congresses was passed by the Senate; and that the facts are fully set forth in the report made to the Senate by Mr. Dixon, from the Committee on Patents, in the second session of the Fifty-third Congress, which is adopted as the report of the committee, and the passage of the bill recommended.

[Senate Report No. 502, Fifty-third Congress, second session.]

The Committee on Patents, to whom was referred the bill (S. 1154) for the relief of John C. Howe, having had the same under consideration, recommend the passage of the bill and submit the following report:

August 16, 1864, letters patent were issued to John C. Howe, of Worcester, Mass., for a metallic cartridge (copy of specification annexed). Except for experimental purposes it does not appear that any cartridges were ever manufactured by any company or individuals. Between the years 1868 and 1881, without the permission of Howe, the United States manufactured these cartridges, then and since known as "cup-anvil cartridges," the total product being 66,907,313, valued by the United States at \$1,635,928.35, of which 5,721,818 were sold, and the United States received in cash for the same about \$199,375.96. The balance, 61,185,495, were used by the United States. Howe claimed that the "cup-anvil" cartridge was an infringement of his patent, which was denied by the ordnance officers of the United States. No compensation was made to Howe, who was a poor man and unable to prosecute his claim.

Forehand & Wadsworth, manufacturers of arms at Worcester, Mass., took up the cause of John C. Howe and began its prosecution for him. After the legal title to the patent and to Howe's claim against the United States for infringement had been vested in Forehand & Wadsworth, on May 26, 1881, they, in the circuit court for the

district of Connecticut, commenced suit against Samuel W. Porter, then the master armorer at Springfield, Mass. The district attorney for the district of Connecticut appeared and defended the suit, and after the taking of testimony, which was voluminous, the case was argued orally and on printed briefs before District Judge Shipman. On February 10, 1883, the court rendered judgment, finding that the patent was valid and had been infringed by making the "cup anvil."

Afterward Forehand & Wadsworth presented a memorial to Congress, setting forth the facts and praying for relief. This memorial was referred to the Committee on Claims of the Senate, and on January 9, 1884, was referred under the Bowman Act (the act of March 3, 1883) to the Court of Claims for findings of fact. The testimony in the case in the circuit court was stipulated into the Court of Claims and other testimony taken. The case was argued orally and upon printed briefs in the Court of Claims, where the Assistant Attorney-General appeared and was heard for the defense; where, after a reargument on some of the issues, the findings and decision of the circuit court were confirmed.

The findings of fact and the opinion in the Court of Claims are hereto annexed.

Your committee therefore believe that the United States manufactured 66,907,313 "cup-anvil" cartridges by this infringed Howe's patent, and that no compensation has been made for the infringement; that a reasonable royalty for the United States to pay would be \$66,907.

Wherefore your committee recommend the passage of the accompanying bill.

SPECIFICATION OF HOWE PATENT.

UNITED STATES PATENT OFFICE.

John C. Howe, of Worcester, Mass.—Improvement in metallic cartridges—Specification forming part of letters patent No. 43851, dated August 16, 1864.

To all whom it may concern:

Be it known that I, John C. Howe, of the city and county of Worcester and State of Massachusetts, have invented certain new and useful improvements in cartridges for firearms; and that the following is a full, clear, and exact description of my said invention, reference being had to the accompanying drawing, in which—

Figure 1 represents a side view of a cartridge case embodying my improvements. Fig. 2 represents a longitudinal section of the same on an enlarged scale, showing the primer at the butt. Fig. 3 represents a transverse section of the same at the line *xx* of fig. 2. Fig. 4 represents a side view of a rod, on the same scale as figs. 2 and 3, for withdrawing the cartridge case from the chamber of the firearm. Fig. 5 represents an end view of the same. Fig. 6 represents a side view of another form of cartridge case embodying my improvements, with a portion of the butt removed to show its interior.

My invention is applicable principally to the cartridges which are used in repeating firearms.

The first part of my invention consists in combining a perforated diaphragm with the rear end of a cartridge case, so as to strengthen the cartridge case at that part;

The second part of my invention consists in constructing the cartridge case with a groove in its periphery behind the position of the charge; and

The third part of my invention consists in constructing the cartridge case with projections upon its interior, which projections may be used to form an abutment for the ball, or to engage with a rod by whose agency the case may be withdrawn from the chamber of the firearm after firing the charge.

The cartridge cases represented in the annexed drawing embody all parts of my invention. The shell of these cartridge cases is constructed of copper, with a perforated diaphragm, *a*, at the butt. This diaphragm is within the cartridge case; separates the primer (represented in red) from the powder; it strengthens the rear end of the case and forms a species of anvil, on which the primer is sustained when struck by the hammer of the lock, so that any special arrangement of the firearm for this last purpose is rendered unnecessary. It also, by filling up a portion of the case, protects that part from the explosive force of the charge, so that a portion of the wall of the chamber of the firearm opposite the diaphragm may be removed for any desirable purpose without incurring the risk of the swelling or bursting of the cartridge case through the opening thus made when the charge is fired. The form of cartridge case represented at figs. 1, 2, and 3 is adapted to the firearms in which the hammer of the lock strikes downward at an angle upon the corner of the cartridge case. The form represented at fig. 6 is adapted to a firearm in which the

hammer strikes through a hole at the butt of the chamber of smaller diameter than the body of the cartridge.

In order to embody the second part of my invention, the rear end of the cartridge in these examples is formed with a groove, *c*, in its exterior. The groove in this position is useful for two purposes: It may be made use of to retain the cartridge in its place in the chamber, by engaging with an instrument which is arranged upon the firearm for that purpose. Moreover, as the metal of the cartridge case is protruded inward by the formation of the groove, it may be made to constitute the means of securing the perforated diaphragm in its position, either by causing the indented material to enter into a corresponding groove in the periphery of the diaphragm as at fig. 2, or by locating the groove immediately in front of the diaphragm, as at fig. 6. In case the instrument for engaging in the groove is located farther forward on the firearm than the position of the diaphragm, a groove or indentation should be made in the cartridge case opposite that point. There may then be one groove at the rear to hold the diaphragm, and another farther forward to engage with the holding instrument. Each groove may be replaced by its equivalent, viz, one or more indentations, but I prefer the grooves.

In order to embody the third part of my invention, each cartridge case is constructed in the present examples with two projections, *n n*, in its interior. These form an abutment against which the butt of a conical ball may set squarely, so that the powder may be left loose behind it without any risk of the ball being set obliquely in the cartridge. They also constitute a means of engagement with a rod, by whose agency the cartridge case may be readily withdrawn after its contents are discharged. The rod *D* is constructed with a grooved head *t*, in such form that when turned to one position with reference to the projections *n* it will enter between them, and when so entered may be turned to engage the projections *n* of the cartridge case in its grooves *s*. When this engagement is effected the withdrawal of the rod of necessity brings the cartridge case with it. The construction of a cartridge case in this manner, therefore, fits it for use in those firearms whose construction does not permit the cartridge case to be pushed out of the chamber. It is not essential that there should be two projections to engage with the rod, as there may be more or less, provided the head of the withdrawing rod is suitably formed to engage with them; but I prefer to have two, or at most three, projections. The easiest way of forming these projections with which I am acquainted is to indent the exterior of the cartridge case, thus forcing the metal inward.

I prefer to manufacture my cartridge cases of thin copper with brass diaphragms, but any other suitable material may be used for the purpose.

Having thus described two forms of cartridge cases embodying my improvements, what I claim as my invention, and desire to secure by letters patent, is—

1. The combination of a perforated diaphragm with the rear end of the shell of a cartridge case in such manner that the diaphragm forms a perforated partition between the primer and the powder, is rigidly secured to the cartridge case, so as to support the primer against the blow of the hammer, and by its breadth of rim protects the part of the cartridge case surrounding it from the explosive force of the powder, substantially as set forth.

2. A cartridge case constructed with a groove in its periphery behind the position of the charge, substantially as herein set forth.

3. A cartridge case constructed with projections in its interior, substantially as herein set forth.

In testimony whereof I have hereunto subscribed my name.

JOHN C. HOWE.

Witnesses:

MELVILLE BIGGS.

E. S. RENWICK.

[Court of Claims. Congressional case No. 1. Sullivan Forehand and Henry C. Wadsworth v. The United States.]

The claim, or matter, in the above-entitled case was transmitted to the court by the Committee on Claims of the Senate on the 10th day of January, 1884, under the provisions of the act of March 3, 1883, chapter 116, commonly called the Bowman Act.

William H. Kenyon and Causten Brown, esqs., appeared for claimants, and the Attorney-General, by F. P. Dewees, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT:

I.

August 16, 1864, letters patent of the United States, numbered 43851, were issued to John C. Howe for improvement in metallic cartridges. Said Howe claimed as his invention the following combination:

(1) The combination of a perforated diaphragm with the rear end of the shell of a cartridge case in such a manner that the diaphragm forms a perforated partition between the primer and the powder, is rigidly secured to the cartridge case so as to support the primer against the blow of the hammer, and by its breadth of rim protects the part of the cartridge case surrounding it from the explosive force of the powder, substantially as set forth.

(2) The cartridge case constructed with a groove in its periphery behind the position of the charge, substantially as herein set forth.

(3) A cartridge case constructed with projections in its interior, substantially as herein set forth.

In his specification he thus speaks of his invention:

My invention is applicable principally to the cartridges which are used in repeating firearms.

The first part of my invention consists in combining a perforated diaphragm with the rear end of a cartridge case, so as to strengthen the cartridge case at that part;

The second part of my invention consists in constructing the cartridge case with a groove in its periphery behind the position of the charge; and

The third part of my invention consists in constructing the cartridge case with projections upon its interior, which projection may be used to form an abutment for the ball, or to engage with a rod by whose agency the cartridge case may be withdrawn from the chamber of the firearm after firing the charge.

No one of the different elements of this combination was claimed as new.

II.

The 26th day of April, 1881, said Howe, for a consideration expressed upon the face of the instrument as "one dollar and other good, sufficient, and valuable consideration to me in hand paid," assigned to Henry C. Wadsworth "all the patent" described in Finding I, together with all his "right, title, and interest whatsoever in and to any and all claims for past infringements of said letters patent, and all interests conveyed or surrendered to me by Thomas J. Vail, of Hartford, State of Connecticut, by an instrument in writing dated April 25, A. D. 1881." This assignment was recorded in the Patent Office, in Liber H 26, page 280, of Transfers of Patents, April 30, 1881.

III.

The 28th of April, 1881, said Wadsworth made a similar assignment for same consideration as set forth in the foregoing instrument to plaintiffs herein, their successors or assigns, assigning to them "all the right, title, and interest whatsoever," which he had by the foregoing assignment from Howe, with "all his right, title, and interest whatsoever in and to any and all claims for past infringement of said letters patent and all interests conveyed to me by said John C. Howe" in his said assignment. This assignment was recorded in the Patent Office in Liber H 26, page 280, of Transfers of Patents, April 30, 1881.

IV.

Howe actually received for his assignment some \$40, partly paid in money and partly in tools, and, in addition, an agreement on plaintiff's part to employ him in their works at usual wages to make improvements generally in pistols and guns, said Howe being a mechanic. Wadsworth, named in Finding II, was one of the partners in the firm of Sullivan, Forehand & Co. (Forehand & Wadsworth).

V.

In the spring of 1863 Howe gave Thomas J. Vail a power of attorney to assign said patent. April 25, 1881, said Vail released and surrendered said power of attorney to said Howe, which release was recorded in the Patent Office April 30, 1881, in Liber M 26, page 130, of Transfers of Patents.

VI.

The purpose of the power of attorney to Vail was to give to the Connecticut Arms Company the right to manufacture the Howe cartridge and a pistol which Howe had invented.

This company was formed in the spring of 1863, and Howe was promised certain very material but contingent advantages for the use of his patent. The company was not limited in its purpose to the manufacture only of Howe's invention, but contemplated the general business of manufacturing arms and cartridges. It never did manufacture any of Howe's cartridges for sale, and no such cartridges ever were manufactured by anyone, so far as appears, except some two hundred and twenty-five made for experimental purposes.

The Connecticut company was not successful financially, and was wound up after considerable litigation. Vail never did, in fact, sell under his power of attorney from Howe.

VII.

Howe was a poor man throughout the term of the patent. The Connecticut company employed him as superintendent, but he left it when troubles began, and was not familiar with the details of its financial embarrassment and litigation.

The present plaintiffs brought suit against General Benton, then in command of the Springfield Armory, for infringement of the Howe patent in the manufacture of the Government cartridge known by the generic name of the "cup-anvil" cartridge. The defendant died during the progress of the suit, which was thereupon continued against Samuel W. Porter, master armorer in said armory. The suit was brought in the United States circuit court, district of Connecticut, and resulted in a decision by the court to the effect that in the manufacture of the "cup-anvil" cartridges the defendant was infringing the invention of said Howe. This decision is reported in Federal Reporter, Vol. XV, p. 256 (*Forehand vs. Porter*).

IX.

The patented invention, if correctly defined by the circuit court of the United States, in the case of *Forehand vs. Porter*, referred to in Finding VIII, was new with Howe and was embodied in the "cup-anvil" cartridge.

X.

In 1878, 1879, 1880, and 1881, the following "cup-anvil" cartridges were manufactured and sold by defendant:

1878	7, 550
1879	9, 710
1880	10, 000
1881	10, 000
Total	37, 260

In 1878, 1879, 1880, and 1881 the following "cup-anvil" cartridges were manufactured by defendant:

1878	2, 707, 553
1879	3, 143, 850
1880	4, 513, 599
1881	286, 197
Total	10, 651, 199

But few "cup-anvil" cartridges have been manufactured since 1881.

The total number of "cup-anvil" cartridges and primed shells manufactured by defendants at their arsenals between August 16, 1864, and August 16, 1881, was 66,907,313.

XI.

The following is a description of said "cup-anvil" cartridge:

It is a center-primed cartridge, metallic case or shell, with a rim around the rear or closed end of the cartridge. The priming or fulminate is contained in a circular pocket in the exterior of the base of a metal cup; that is, into a cartridge shell is forced a metallic cup with rests upon the closed end of the cartridge with its mouth toward the black-powder chamber; the bottom of this cup projects upward from the circumference toward the center, and the cup, after being forced down upon the solid base of the cartridge case or shell, is held there firmly by crimping the walls of the case or shell over the edge of the cup at its open end. A circular pocket appears, therefore, in the exterior of the base of this cup, and in this pocket and between the cup and the closed end of the cartridge case or shell is placed the priming or fulminate. Fire is communicated from the fulminate to the black powder through two

holes in the bottom of the cup at the extremities of a diameter of the said pocket. The whole area of the apertures is over the fulminate chamber free to receive the flame. The portion of the top of the pocket or bottom of the cup between the two holes serves as the anvil to resist the blow of the hammer or firing pin.

XII.

The following is a drawing of a longitudinal section of said "cup-anvil" cartridge:

[Can not be reproduced.]

XIII.

The following is a drawing of a longitudinal section of the Howe cartridge:

[Can not be reproduced.]

XIV.

Except as stated in Finding VIII, neither Howe nor plaintiffs submitted the patent to the Government or asked the Government to use the invention or to pay for it, and the Government by no affirmative act recognized any right in the plaintiffs or Howe in the alleged improvement in cartridges. It does not appear that the Government officers who devised the "cup-anvil" cartridges had in fact knowledge of Howe's invention.

XV.

The "cup-anvil" cartridges are not reloaders, but they have certain advantages which caused them to be favored by experts in ordnance.

The Berdan cartridge, which has been manufactured and sold in large numbers, commanded the following royalty:

Ten per cent of the selling price on a production of between fifty and a hundred millions during the years 1867, 1868, 1869, and 1870, when such cartridges were selling for \$35 a thousand, and thereafter of 5 per cent of the selling price on a still greater production. The Berdan cartridge is a reloader.

XVI.

A reasonable royalty for defendant to pay for an infringement of the Howe invention, if they have infringed it, they having manufactured 66,907,313 "cup-anvil" cartridges and primed shells, would be \$66,907.

XVII.

The shape of the shell or bullet or the use of the flange are not in issue here. This case is strictly limited to the combination set forth in Finding I, which is all plaintiffs rely upon.

XVIII.

The petition in this case was filed in this court January 10, 1884.

BY THE COURT.

Filed April 8, 1889.

 OPINION.

In the Court of Claims. Forehand & Wadsworth vs. The United States. No. 1. Congressional case.]

DAVIS, J., delivered the opinion of the court:

This is a reference under the Bowman Act of a claim for alleged infringement of a patent for cartridges, and the only question of law presented is whether the claim is "barred by virtue of the provisions of any law of the United States" (22 Stat. L., 485). If so barred, this court is without jurisdiction to find the facts in aid of the Senate committee, which sends the matter to us, as the case would then fall within the express exclusion of section 3 of the act of 1883 (Dunbar's Case, 22 C. Cls. R., 109). On the other hand, "if it be true that the claimant had no cause of action at any time which might have been asserted in this court," his claim is not barred, and "he has a right to maintain this petition under the present reference" (*ibid.*, 113).

We must look into the record to some extent before a decision can be reached upon this jurisdictional question, and we must proceed to examine the facts until we reach a point where the claimants or their assignor shall appear to have once had a right of action against the Government which has since ceased, in whole or in part, to exist through the operation of the statute of limitations.

It appears, then, that one Howe, a mechanic, invented a pistol cartridge, which he patented. The letters patent were issued in August, 1864, and except for experimental purposes no Howe cartridges were ever manufactured by anyone. Howe did not claim that any part of his cartridge was new, but did claim as novel the combination of the different parts.

It does not appear that Howe or his assignees ever had any communication with the Government in relation to his cartridges, and if there was any implied contract, it rests upon user by the Government on the one side and that consent which silence gives on the other.

To this statement there was one exception. In May, 1881, a suit for infringement was brought in the circuit court of the United States for the district of Connecticut by the plaintiffs here, the assignees of the inventor Howe, against certain officers of the United States who were manufacturing what is commonly called the "cup-anvil cartridge," a cartridge then much used in the Army, and which, it was then and is now alleged, infringed Howe's patent. In that suit plaintiffs were successful, and no appeal, so far as appears, was taken by the defendant there from the circuit court's decision.

Very few "cup-anvil" cartridges have been manufactured since 1881, and the serious financial interest in the case is confined to the years prior to 1882. Howe's patent expired about the time when the Government practically ceased to manufacture the cartridge alleged to be an infringement upon his rights. It is admitted that if Howe or his assignees had a contract it is now too late to appeal to this court for a remedy as to the greater part, if not the whole, of the claim. The first question presented is whether Howe ever had a contract with the Government.

The first case relating to patents reported in this court is that of Pitcher, decided at the October term of 1863. The facts were, briefly: The warden for the United States penitentiary for the District of Columbia used certain broom machines without the patentee's authority, and sold the brooms, and the proceeds were applied to the use of the United States in the management and support of the penitentiary. The claimant sued upon an alleged implied contract, contending in substance that he relied upon a promise arising from an implication of law to refund the money received from the brooms sold, and, further, that in using his machine the Government had not committed a tort, but had taken private property for public use, and therefore a promise must be implied to make reasonable compensation.

The court, however, held that there was no taking within the meaning of the constitutional provision, which did not intend "that every subordinate officer or petty agent of the United States might undertake to decide for himself when the exigency has occurred or the necessity exists for the seizure and appropriation of the property of the citizen." In this case there was, says the court, "a mistaken and unauthorized use. * * * It was the disturbance or infringement of his right, instead of the caption of his property." The court further held that an implied contract could not rest upon the acts of an agent without power to make an express contract, and while the Government received the money for the brooms made by the machine, still no action upon contract would lie therefor, as the brooms belonged to the United States, and the claimant's interest was not in the brooms, but in the machine. Finally, the court held that upon no theory was a contract to be implied, and the claimant had suffered from infringement only; that is, from a tort. They therefore dismissed the petition (1 C. Cls. R., 7).

Burn's case rested upon an express contract, whereby the use of the invention (the Sibley tent) by the Government was authorized, and, in distinguishing the two cases, the court said: "Where an officer of the United States, without authority from them, uses in their service a patented invention, the act being unlawful, is his, not theirs, and he and not they are responsible for it." (4 C. Cls. R., 113; affirmed, 12 Wallace, 246.)

Shavor's case (4 C. Cls. R., 440) turned upon a point not bearing upon the case at bar; so with Hubbell's case (5 C. Cls. R., 1, and 6 C. Cls. R., 53) which came here under a special statute.

In Fletcher's case, where compensation was claimed for the use of a stamp, the court held that the Government did not use the stamp nor contract with the claimant. A further point was made, the decision upon which is thus stated in the syllabus of the case: "If the Government adopt the design of one inventor, and a patent is subsequently issued to another for the same device, this court has not jurisdiction of an action for infringement." (11 C. Cls. R., 748.)

A very full discussion of the jurisdiction of this court over cases resting upon contract with the Government for the use of a patent is found in McKeever's case; therein it appeared that the claimant's invention, a patent cartridge box, had been recognized by the War Department as his invention; it had been examined by proper officers, at his instance, and its use had been recommended. Claimant's ownership of the patent had always been recognized in the Department and he applied for payment as soon as manufacture began, and his right to payment was not then contested.

Upon these facts the court sustained McKeever's contention and gave him judgment. (14 C. Cls. R., 396; affirmed by Supreme Court, without opinion, December 5, 1882.)

Dahlgren's case came here under a special act of Congress. (16 C. Cls. R., 30.)

In the Pacific Submarine Company (19 C. Cls. R., 234) no question of jurisdiction was discussed.

In *Palmer vs. The United States* (19 C. Cls. R., 669) it was conceded on both sides that there was no infringement, and that whatever the Government did was done with consent of the patentee and under his implied license.

In Hubbell's case (20 C. Cls. R., 354) no jurisdictional point was discussed, and a decision adverse to the claimant was given upon the merits.

In Palmer's case it appeared that the invention had been submitted to the War Department and approved; thereafter, without express license, the Ordnance Department proceeded to manufacture, and the claimant recovered royalties in this court upon an implied contract. (19 C. Cls. R., 669; 20 C. Cls. R., 432; affirmed November 19, 1888.)

Under the peculiar facts in the Solomons case the court held that the Government was free to use the invention in suit, and that there could be no presumption of an implied contract on the part of the Government to pay for its use. (21 C. Cls. R., 479; 22 C. Cls. R., 335.)

It will be noticed that in all the cases in which the contention has been sustained here, that there existed an implied contract between the inventor and the Government, there had been communication of some kind between the inventor and proper officers of the Government. The inventor had offered his invention, had called attention to his alleged rights, had claimed compensation, or in some equivalent manner had put the Government upon their guard, and done some act tending to establish privity between them and him.

Neither Howe nor his assignees pursued any such course, and until the beginning of the action in the circuit court the Government seems to have been in ignorance of his claim. Neither plaintiffs nor Howe submitted the patent to the Government or asked the Government to use the invention, or to pay for it, and the Government by no affirmative act recognized any right in the plaintiffs or Howe in the alleged improvement in cartridges. To establish a contract here, therefore, we must proceed to this extent, that a contract for the use of an invention upon which the inventor may rely for the recovery of royalties is to be implied whenever the Government uses an invention, whether through ignorance or carelessness or mistake; that is, such a contract arises from naked use, even perhaps if under a claim of right. A mistaken or unauthorized use of an invention by a Government officer can not, however, create a contract. (*United States vs. Great Falls Manufacturing Company*, 112 U. S. R., 657; *Langford vs. United States*, 101 U. S. R.; *Hollister vs. Benedict Manufacturing Company*, 113 U. S. R., 59.)

That this was not a taking of private property for public use in the sense of the Constitution is no less clear. As the court has said in another case (*Pitcher's*, 1 C. Cls. R., 7), it was a "disturbance or infringement" of claimant's right, "not a cap-tion of his property."

If, then, there was no contract, if there was no taking of private property for public use, from which a promise to pay would be implied, the claimant had but one remedy against the Government, and that was upon the tort, a remedy only to be obtained from Congress. Never having been a contractor with the Government, he never had a right of action here, and his claim is not barred on that ground.

We do not understand that section 3477 of the Revised Statutes operates as a bar upon a claim. It forbids the transfer of a claim, but leaves the claim itself intact. Consequently it does not affect the jurisdiction of this court under the Bowman Act over cases transmitted to us by Congress or by a committee thereof. On the contrary, it constitutes a defense to a suit by the assignee, and in Congressional cases it is an important fact, showing the title to be in some person other than the present claimant, a fact which must be reported to Congress.

We conclude that we have jurisdiction to find the facts in this case for transmission to the Committee on Claims of the Senate.

ANTON ERNST.

FEBRUARY 17, 1898.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1495.]

The Committee on Military Affairs, to whom was referred the bill (S. 1495) to remove the charge of desertion from the military record of Anton Ernst, have duly considered the same and submit the following report:

Your committee have fully reexamined this case and the additional evidence presented to your committee and not considered by the War Department in its refusal to remove such charge of desertion and to grant him a discharge as of date October 15, 1862, and find that House Report No. 1173, Fifty-fourth Congress, first session, made by Mr. Griffin, from the Committee on Military Affairs of the House, correctly states the report from the War Department and the additional evidence now before your committee, and recommend the passage of the bill.

Said report is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4300) for the relief of Regina Ernst, having had the same under consideration, would report thereon as follows:

It appears that Regina Ernst is the widow of Anton Ernst, who, according to the report of the War Department, was enrolled September 5, 1861, as a private in Company K, Second Regiment Maryland Infantry, to serve three years, and appears to have served faithfully until August 31, 1862. The muster roll for September and October, 1862, reports him "Deserted from October 15, 1862." He never rejoined his company, although he owed service to September 5, 1864. The medical records furnish no information concerning him. In applying for a removal of the charge of desertion from the record by the War Department, Regina Ernst, on June 22, 1891, testified that in 1862, when she brought her husband home from the Army "under a furlough," he was an invalid, suffering from asthma, heart affection, and the effects of the hardships of the service; that he was never thereafter in a fit condition to return to the Army, and was an invalid on her hands for ten years after she brought him home, she having to support him during that time by her daily toil.

Under date of June 22, 1891, Comrade Boettger testified that he was second lieutenant of Ernst's company; that the said Ernst was a good, brave soldier, and never showed the slightest disposition to shirk his duty, always doing it manfully, and further corroborated so much of the widow's testimony as went to show that the soldier was suffering from a severe illness and was taken home "under a furlough."

On July 7, 1891, Angeline Wennig and Wendelin Kessler testified that they saw the soldier when he was brought home from the Army; that he was in very bad condition and seemed to be suffering from asthma and lung trouble, being hardly able to get his breath at all; that they were his neighbors and saw him frequently, and that he was never able to return to the service, being almost entirely helpless.

Philip Engerd, Daniel Cooper, and John Luber, on July 18, 1890, testified that they were members of the Second Maryland Infantry; that Ernst became very sick in the service, having a bad cough and difficulty in catching his breath—a wheezing way of breathing that was extremely noticeable on account of his unusual height; that his efforts to breathe caused him to bend over in a peculiar manner, and that he continued in this way “until discharge.”

John Gerhard, on September 9, 1890, declared under oath that he served with Ernst, who, during the latter part of his service, suffered from a severe hacking cough and cold brought on by exposure in the service.

George Lintenberger, on July 16, 1891, testified that he served with Ernst, and corroborates the statement of Gerhard.

John Luber, again, on July 17, 1891, corroborates the statements, substantially, of the witnesses Angeline Wennig and Wendelin Kessler.

On August 29, 1891, Boettger, who also testified on June 22, 1891, stated, in reply to a letter from the War Department, that after the battle of Antietam, Md., September 17, 1862, when the regiment was encamped at Pleasant Valley, Ernst received a pass from First Lieut. F. W. Heck, then commanding the company, to go through the lines, he remembering the incident distinctly on account of the soldier's sickness. He further stated that he was not able to “diagnose fully” the nature of the soldier's ailment, but was impressed at the time with the fact that he was a very sick man; that he seemed to be suffering from asthma, lung affection, and general debility.

In reply to a letter addressed by the War Department to Louis Fleckenstein, late a lieutenant of Ernst's company, he stated, under date of September 5, 1891, that at and after the time said Ernst is shown by the records to have deserted he was an able-bodied man, and that he was charged with desertion according to the rules and discipline of war.

On July 17, 1891, Regina Ernst again testified that her husband was a well man before his enlistment; that he was taken very ill while in the service and sent for her; that he was suffering from asthma in a bad form and had treated himself, using anything that was suggested to him, hoping to obtain relief; that after he went home he was treated by affiant with “home remedies,” as it was thought that a physician “would not be of much use;” that the spells would come on suddenly and he would suffer terribly; that he had no intention of deserting, and had he been able would have returned to the service, but was not fit for any work after he went home, and that it was impossible for her to furnish medical testimony.

Hannibald Gutman and Henry Freund testified, under date of October 12, 1891, that this soldier was completely incapacitated from performing the duties of a soldier from the time he arrived home until the day of his death, in October, 1875, and that his wife supported him during this time; that Ernst was in good health when he enlisted, but was in wretched health after his return from the Army.

On October 18, 1893, Regina Ernst, then being 62 years of age, made an affidavit, which has been presented to your committee, wherein she stated that after the battle of Sharpsburg, or Antietam, she went to the battlefield to see her husband, who had been sick, but participated in the engagement, and that he carried the company colors; that when she got to the camp, about September 20, 1862, she found her husband very poorly, so she went to Captain Seedsburg and got a pass to go home, and her husband was so much worse next day that Lieutenant Heck went to the captain and talked with him, and the captain told Heck to give a furlough to her husband with a pass for eight days, which he did, and then said if he was no better at the end of eight days tell him to stay till sent for; that she and her husband came to their home in Baltimore. When his eight days' furlough expired he was no better, nor did he ever get much better; that his disease soon developed into a severe case of asthma, and he never was able to go but a few blocks from their home or do any work, and for twelve years was an invalid, and died of the disability in 1876; that he never did desert in any way, but came away with his furlough, accompanied by her, and with full consent and knowledge of his superior officers, and never was able to go back or do any duty again during the remainder of his life.

On September 15, 1894, Wanobatl Gutman, John H. Hoeck, and John Luber each testified of their personal knowledge that Anton Ernst was treated by one Dr. Troutman for several years after said Ernst returned home in September, 1862, until the death of Dr. Troutman, and corroborate the statement of the widow as to her husband's ill condition of health until his death, and the witness Gutman also corroborates the widow as to the fact that she supported her husband and family by her own labors until the time of his death.

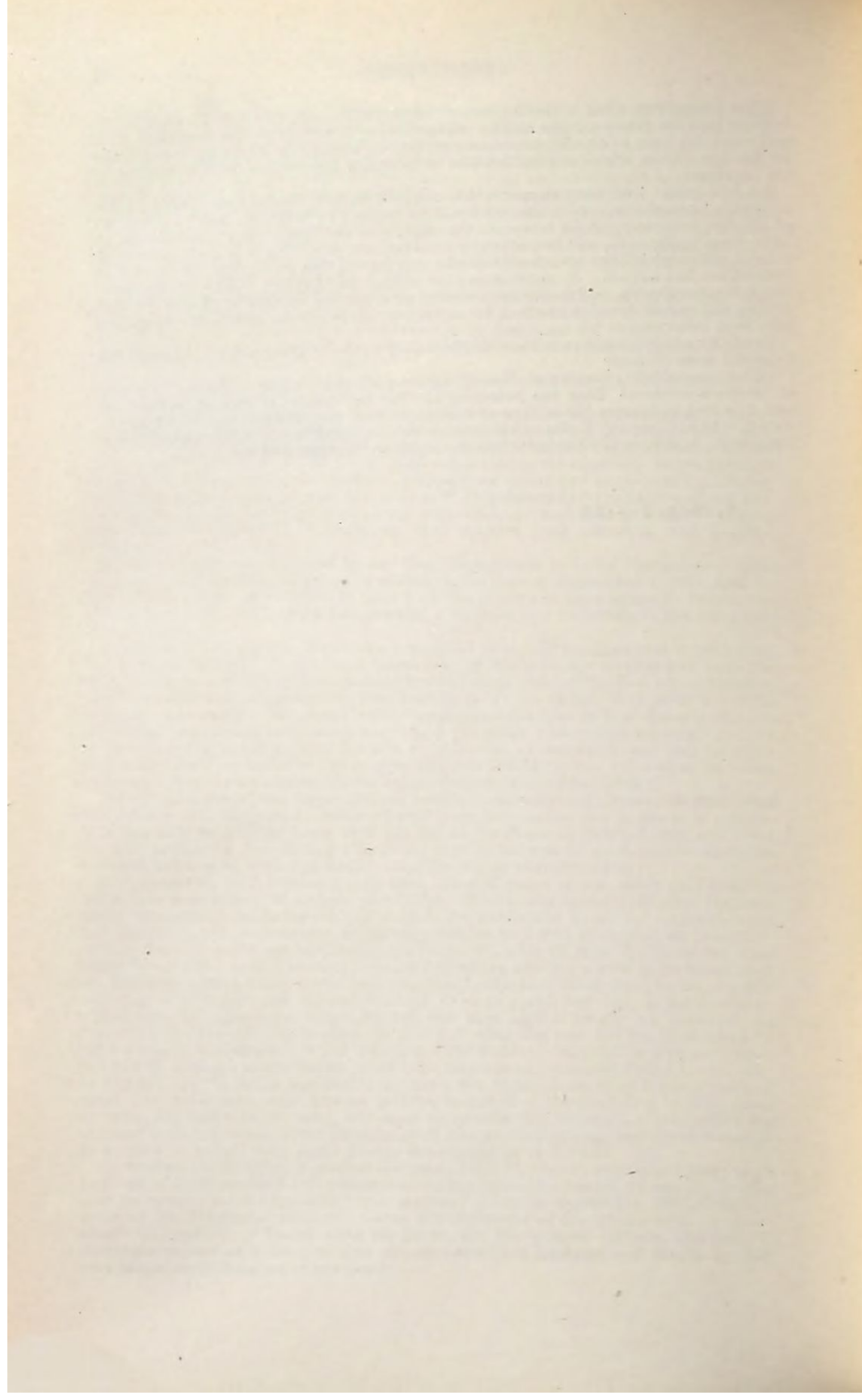
Your committee, after a careful review of the testimony, has arrived at the conclusion that the failure of the soldier Anton Ernst to return to his command and serve out the term of his enlistment and receive an honorable discharge was due to his serious illness, which so disabled him as to render him incapable of returning to his regiment.

All the sworn testimony supports this conclusion, and the only statement which militates against the same is the one made by Louis Fleckenstein, late a lieutenant of Ernst's company, which is not, in the report of the War Department, stated to have been under oath, and hence your committee are unwilling that such statement should outweigh all the sworn statements supporting the conclusion at which the committee has arrived. It appears to your committee that the soldier left his command by permission, and hence no intention of deserting existed at that time, and during the remainder of the term of his enlistment his condition was such as to excuse him from returning to his command.

Your committee therefore submit the following as a substitute bill, and recommend that the same do pass:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Anton Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge, to date as of October fifteenth, eighteen hundred and sixty-two."

○



FORT THOMAS, KY.

FEBRUARY 17, 1898.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 2804.]

The Committee on Military Affairs, to whom was referred the bill (S. 2804) to extend Fort Thomas, in Campbell County, Ky., opposite Cincinnati, Ohio, having considered the same, report:

This is a bill authorizing an expenditure of \$245,000 for the extension and completion of Fort Thomas. The report of the War Department in this case, which is herewith appended and made a part of this report, is fully explanatory of it.

Your committee report adversely to the passage of the bill, and recommend that the same be indefinitely postponed.

WAR DEPARTMENT,
Washington, January 27, 1898.

SIR: Returning Senate bill No. 2804, Fifty-fifth Congress, second session, "A bill to extend Fort Thomas, in Campbell County, Kentucky, opposite Cincinnati, Ohio," referred to the Department under date of 16th ultimo with request for information and remark, I have the honor to transmit herewith copy of a report from the Quartermaster-General of the Army on the subject, dated January 25, 1898. The views and recommendation therein expressed are concurred in by the Department.

Very respectfully,

G. D. MEIKLEJOHN,
Acting Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, January 25, 1898.

Respectfully submitted to the honorable the Secretary of War.

In connection with the proposed enlarging of the military reservation of Fort Thomas, Ky., the Quartermaster-General on December 2, 1897, made the following report in returning papers to the Adjutant-General, United States Army:

"This is a proposition to sell to the United States various tracts of land adjacent to or near the military reservation of Fort Thomas, Ky., as shown on inclosed map.

Tract A, 26 acres.....	\$30,000
Tract B, 37 acres.....	20,000
Tract C, 608 acres.....	150,000
Tract D, 18 acres.....	45,000
Total.....	245,000

"Tracts A, B, and D join the present reservation on the north and south, and Tract C is from 1 to 3 miles distant.

"The present reservation contains about 112 acres, purchased in 1887, at a cost of \$43,100, with a right of way to the station of the Chesapeake and Ohio Railway, about 300 feet from the reservation, and an acre of ground at the station for a storehouse.

"Of this area less than 50 acres is at present occupied by buildings, a parade ground about 600 by 275 feet, and a graded drill ground about 750 by 450 feet. The remainder, over 60 acres, is entirely unoccupied, and is ample for all present or prospective post purposes.

"In addition to this, the United States owns a rifle range of 169 acres, purchased in 1891, at a cost of \$11,750, distant 11 miles by road from Fort Thomas.

"Even if it were at any time thought advisable to purchase land for the sole purpose of extended and combined maneuvers of the three arms, it will be better to obtain it at some distance from a large center of population, where it could be obtained for a fraction of the cost.

"No action is recommended which has in view the acquisition of the tracts offered in this communication."

In addition to the above it might be said that the Tracts A and D are suitable in character and location for building sites, and in case of a material enlargement of the post could be used for such a purpose, and obviate the necessity for encroaching on the present graded drill ground.

It is not believed that Tract B could be advantageously used for any purpose.

As to the large Tract C, while a portion of it might be utilized for field exercises, it is not thought to be good policy to purchase large tracts for such purposes near large cities or garrisons.

At a distance land can be obtained at a fraction of the cost and serve its purpose better, as it would require that troops go into camp during such maneuvers, thus at the same time becoming familiar with all the details of camp life.

Tracts A and D are therefore the only ones which it seems in any way desirable that the United States should own, at present or in the future.

Should it be considered desirable to purchase these two tracts—A and D—the Quartermaster's Department could interpose no valid objection, except on the score of strict economy.

GEO. H. WEEKS,
Quartermaster-General United States Army.

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SAMUEL B. RICHARDSON.

FEBRUARY 17, 1898.—Ordered to be printed.

Mr. SEWELL, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany petition of Samuel B. Richardson.]

The Committee on Military Affairs, to whom was referred the petition of Samuel B. Richardson, late captain of Company D of the Fifth Regiment Missouri State Militia, praying for an honorable discharge, have duly considered the same and submit the following report:

The Missouri State Militia was a peculiar military force, organized under the following plan, proposed by the governor of Missouri and approved by the President of the United States as follows, to wit:

EXECUTIVE MANSION,
Washington, November 5, 1861.

The governor of the State of Missouri, acting under the direction of the convention of that State, proposes to the Government of the United States that he will raise a military force to serve within the State as State militia during the war there, to cooperate with the troops in the service of the United States in repelling the invasion of the State and suppressing rebellion therein; the said State militia to be embodied and to be held in the camp and in the field, drilled, disciplined, and governed according to the Army Regulations and subject to the Articles of War; the said State militia not to be ordered out of the State except for the immediate defense of the State of Missouri, but to cooperate with the troops in the service of the United States in military operations within the State or necessary to its defense, and when officers of the State militia act with officers in the service of the United States of the same grade, the officers of the United States service shall command the combined force. The State militia to be armed, equipped, clothed, subsisted, transported, and paid by the United States during such time as they shall be actually engaged as an embodied military force in service, in accordance with regulations of the United States Army, or general orders as issued from to time.

In order that the Treasury of the United States may not be burdened with the pay of unnecessary officers, the governor proposes that, although the State law requires him to appoint upon the general staff an adjutant-general, a commissary-general, an inspector-general, a quartermaster-general, a paymaster-general, and a surgeon-general, each with the rank of colonel of cavalry, yet he proposes that the Government of the United States pay only the adjutant-general, the quartermaster-general, and inspector-general, their services being necessary in the relations which would exist between the State militia and the United States. The governor further proposes that, while he is allowed by the State law to appoint aids-de-camp to the governor at his discretion with the rank of colonel, these only shall be reported to the United States for payment. He also proposes that the State militia shall be

commanded by a single major-general and by such number of brigadier-generals as shall allow one for a brigade of not less than four regiments, and that no greater number of staff officers shall be appointed for regimental, brigade, and division duties than is provided for in the act of Congress of the 22d of July, 1861, and that, whatever be the rank of such officers as fixed by the law of the State, the compensation that they shall receive from the United States shall only be that which belongs to the rank given by said act of Congress to officers in the United States service performing the same duties.

The field officers of a regiment in the State militia are one colonel, one lieutenant-colonel, and one major, and the company officers are a captain, a first lieutenant, and a second lieutenant.

The governor proposes that as the money to be disbursed is the money of the United States, such staff officers in the service of the United States as may be necessary to act as disbursing officers for the State militia shall be assigned by the War Department for that duty, or if such can not be spared from their present duty he will appoint such persons disbursing officers for the State militia as the President of the United States may designate. Such regulations as may be required, in the judgment of the President, to insure regularity of returns and to protect the United States from any fraudulent practices shall be observed and obeyed by all in office in the State militia.

The above propositions are accepted on the part of the United States, and the Secretary of War is directed to make the necessary orders upon the ordnance, quartermaster, commissary, pay, and medical departments to carry this agreement into effect. He will cause the necessary staff officers in the United States service to be detailed for duty in connection with the Missouri State Militia, and will order them to make the necessary provision in their respective offices for fulfilling this agreement; all requisitions upon the different officers of the United States under this agreement to be made in substance in the same mode for the Missouri State Militia as similar requisitions are made for troops in the service of the United States; and the Secretary of War will cause any additional regulations that may be necessary to insure regularity and economy in carrying this agreement into effect to be adopted and communicated to the governor of Missouri for the government of the Missouri State Militia.

This plan, approved with the modification that the governor stipulates that when he commissions a major-general of militia it shall be the same person at the time in command of the United States Department of the West, and in case the United States shall change such commander of the department, he, the governor, will revoke the State commission given to the person relieved and give one to the person substituted to the United States command of said department.

A. LINCOLN.

NOVEMBER 6, 1861.

In order to carry out the provisions of the above agreement the following orders were issued:

GENERAL ORDERS, }	WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
No. 96. }	<i>Washington, November 7, 1861.</i>

Authority to raise a force of State militia, to serve during the war, is granted, by direction of the President, to the governor of Missouri. This force is to cooperate with the troops in the service of the United States in repelling the invasion of the State of Missouri and in suppressing rebellion therein. It is to be held, in camp and in the field, drilled, disciplined, and governed, according to the regulations of the United States Army, and subject to the Articles of War. But it is not to be ordered out of the State of Missouri, except for the immediate defense of the said State.

The State forces thus authorized will be, during such time as they shall be actually engaged as an embodied military force in active service, armed, equipped, clothed, subsisted, transported, and paid by the United States, in accordance with the regulations of the United States Army, and such orders as may from time to time be issued from the War Department, and in no other manner; and they shall be considered as disbanded from the service of the United States whenever the President may so direct.

In connection with this force the governor is authorized to appoint the following officers, who will be recognized and paid by the United States, to wit: One major-general to command the whole of the State forces brought into service, who shall be the same person appointed by the President to command the United States Military Department of the West, and shall retain his commission as major-general of the State forces only during his command of the said department; one adjutant-general, one inspector-general, and one quartermaster-general, each with the rank and pay of a colonel of infantry; brigadier-generals, at the rate of one to a brigade of not less

than four regiments; and division, brigade, and regimental staff officers, not to exceed in numbers those provided for in the organization prescribed by the act approved July 22, 1861, "for the employment of volunteers," nor to be more highly compensated by the United States, whatever their nominal rank in the State service, than officers performing the same duties under that act.

The field officers of a regiment to be: One colonel, one lieutenant-colonel, and one major; and the officers of a company to be, one captain, one first, and one second lieutenant.

When officers of the said State forces shall act in conjunction with officers of the United States Army of the same grade, the latter shall command the combined force.

All disbursements of money made to these troops, or in consequence of their employment by the United States, shall be made by disbursing officers of the United States Army, assigned by the War Department or specially appointed by the President for that purpose, who will make their requisitions upon the different supply departments in the same manner for the Missouri State forces as similar requisitions are made for other volunteer troops in the service of the United States.

The Secretary of War will cause any additional regulations that may be necessary for the purpose of promoting economy, insuring regularity of returns, and protecting the United States from fraudulent practices to be adopted and published for the government of the said State forces, and the same will be obeyed and observed by all in office under the authority of the State of Missouri.

By order:

JULIUS P. GARESCHE,
Assistant Adjutant-General.

Under the provisions of the foregoing plan and orders a force of about 13,000 men was raised, but after the passage of the act of Congress (section 3), approved February 13, 1862, the force was reduced to 10,000.

The following is an extract copy of the act referred to:

SEC. 3. *And be it further enacted*, That no volunteers or militia from any State or Territory shall be mustered into the service of the United States on any terms or conditions confining their service to the limits of said State or Territory or their vicinities beyond the number of 10,000 in the State of Missouri and 4,500 in the State of Maryland, heretofore authorized by the President of the United States or Secretary of War to be raised in said States.

The force as reduced to conform to the provisions of the act consisted of one regiment of infantry and nine regiments of cavalry.

In response to an inquiry of Senator Cockrell for the military record of Captain Richardson, the charges against him, the cause of his dismissal, and by whom considered and acted upon, etc., the following communications were received from the War Department, to wit:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, December 6, 1897.

SIR: Referring to your telephonic request of the 4th instant for a statement showing the military record of Samuel B. Richardson, late captain Company D, Fifth Missouri State Militia Cavalry, including the cause of his dismissal, the charges preferred against him, how and by whom such charges were considered, and the action taken thereon, I am directed by the Secretary of War to inform you that it is shown by the official records that Samuel B. Richardson was mustered into service June 13, 1863, to take effect from January 3, 1863, as captain Company D, Fifth Missouri State Militia Cavalry, to serve three years; that on June 30, 1863, he was on special duty as post commander; and that he was dismissed the service, for impropriety of conduct, upon the recommendation of the commanding general of the Department of Missouri, in special orders from the headquarters of the State of Missouri, adjutant-general's office, dated October 21, 1863.

The exact nature of the impropriety of conduct for which this soldier was discharged is not stated in the orders in which he was discharged from the service, but it appears from the records that a letter was received at the headquarters of the Department of Missouri, on October 17, 1863, from the inspector-general of the district of Rolla, Missouri, in which it was stated that Capt. Samuel B. Richardson, Company B, Fifth Missouri State Militia Cavalry, was in the habit of getting drunk and playing cards with enlisted men, and that he was incompetent. This letter from the inspector-general has not been found on file in this office, but as the order of dismissal was issued from the office of the adjutant-general of the State, it is possible

that additional information relative to the cause of Captain Richardson's dismissal may be obtained upon application to that official.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. F. M. COCKRELL,
United States Senate.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, December 16, 1897.

DEAR SIR: In reply to your letter of the 7th instant relative to the case of Samuel B. Richardson, a dismissed officer of the Fifth Missouri Militia Cavalry, and to the general subject of the appointment and dismissal of officers of Missouri State Militia regiments by officials of that State, I have the honor to advise you as follows:

The militia force to which your inquiry relates was organized and appointments therein were made under a plan proposed by the governor of the State of Missouri under date of November 5, 1861, and approved by the President of the United States on November 6, 1861. The provisions of this agreement were embodied in General Orders No. 96, dated War Department, Adjutant-General's Office, November 7, 1861, and will be found printed in report made by the Committee on War Claims of the House of Representatives on May 12, 1896. (House Report No. 1765, Fifty-fourth Congress, first session.)

The question having been raised as to the authority of the governor of Missouri to dismiss officers of the Missouri State Militia while that force was in the service of the United States, a letter, of which the following is a copy, was addressed to Governor Gamble by General Halleck, then General-in-Chief:

WASHINGTON, October 3, 1862.

GOVERNOR: Col. Albert Jackson, of the Twelfth Regiment of Cavalry, Missouri State Militia, has appealed to the Secretary of War against the order of your excellency revoking his commission and discharging him from service.

This case has raised an important question in regard to the authority of the governors of States over the parts of the militia of those States which are received into the service of the United States. The whole matter has been duly considered, and I am directed to convey to you the views of the Department.

As stated in my letter to you of the 27th ultimo, it is believed that the Constitution has given to Congress the entire "governing" of the State militia while in the service of the United States. The control of a State over that part of its militia which enters the service of the United States ceases the moment it is mustered into that service. It is then governed by the laws of the United States. By these laws, and by the regulations of the Army made in pursuance of an act of Congress, the power to try, punish, or dismiss an officer of State militia in the service of the United States is vested in the President and in certain officers of the United States. No such power has been given to a governor of a State over such troops. The act of Congress regulating the government of militia in the service of the United States, places them on the same footing as to government or command as volunteers. A militia officer in service, therefore, can be discharged from the service only by the President or those acting under his authority. A State governor can fill the vacancy so created, but he can not, himself, create the vacancy.

This, I think, will be admitted to be the general rule under the law. Does the authority conferred by the President on the governor of Missouri except the militia of that State in the service of the United States from the operations of this rule? That document says: "It (the militia) is to be held in camps and in the field, drilled, disciplined, and governed according to the regulations of the United States Army, and subject to the Articles of War." Again, "They shall be considered as disbanded from the service of the United States whenever the President shall so direct. During such time as they shall be actually engaged as an embodied force in active service, they are to be armed, equipped, clothed, subsisted, transported, and paid by the United States."

The War Department is of opinion that the militia of Missouri which have been mustered into service under this authority and not disbanded or mustered out by direction of the President are in "the service of United States," and that they must be "governed" as prescribed by Congress for militia so in service, except where otherwise stipulated in the special authority given to the governor of Missouri. It is stipulated that the governor is authorized to appoint certain officers of such militia, but he is nowhere authorized to try, punish, and discharge, or otherwise "govern" and "discipline" the officers of the State militia in the service of the United States.

This can be done only in the manner prescribed and by the officers designated in the Rules and Articles of War, and in the Regulations of the United States Army.

The Secretary of War has therefore decided that your order discharging Colonel Jackson from the service of the United States was given without authority of law.

Very respectfully, your obedient servant,

H. W. HALLECK, *General in-Chief.*

His Excellency H. R. GAMBLE,
Governor of Missouri, St. Louis, Mo.

Authority to the governor of Missouri to remove from office all officers of the Missouri State Militia force was given in Special Orders, No. 416, dated War Department, Adjutant-General's Office, December 28, 1862, and announced in General Orders from the State of Missouri, as follows:

GENERAL ORDERS, }	HEADQUARTERS STATE OF MISSOURI,
No. 1. }	ADJUTANT-GENERAL'S OFFICE,
	<i>St. Louis, Mo., January 6, 1863.</i>

The following special order, received from the War Department, is published for the information of all concerned:

SPECIAL ORDERS, }	WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
No. 416. }	<i>Washington, December 28, 1862.</i>

By direction of the President, it is ordered that His Excellency Governor Gamble may, in his discretion, remove from office all officers of the peculiar military force organized by him in Missouri (except the major-general, in regard to whom special provision is already made); and he may accept resignations tendered by such officers, he notifying this Department of each such acceptance, when his action thereon will be confirmed; and his previous action in similar cases is hereby confirmed.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

E. D. TOWNSEND,
Assistant Adjutant-General.

The removals from office in the Missouri State Militia, which have been heretofore made by the governor, are thus relieved from all question and will accordingly have full effect, except in such cases where the governor has revoked the orders of removal.

All resignations and recommendations will be forwarded by commanding officers of regiments, Missouri State Militia, through brigade and division headquarters, to the headquarters of the commanding general of the department, whence they will be forwarded, with his indorsement, to the governor for his action.

No action will be taken on resignations or appointments which are not transmitted in the manner prescribed above.

By order of the Commander-in-Chief:

WILLIAM D. WOOD,
Acting Adjutant-General.

Nothing has been found of record to show that, subsequently to the issue of War Department orders of December 28, 1862, as set forth above, any question was raised as to the right of the governor of Missouri to dismiss officers of the Missouri State Militia while that force was in the service of the United States.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. F. M. COCKRELL,
United States Senate.

These records show that under the agreement between the governor of Missouri and the President of the United States a question arose as to the right and power of the governor of the State of Missouri to order the dismissal of any officer of this peculiar military force, and that after discussion the War Department, by direction of the President, issued, on December 28, 1862, Special Orders, No. 416, recognizing the right of the governor to make dismissals of the officers in his discretion, and that such special orders were duly announced by the governor of Missouri on January 6, 1863, and the question thus settled. It was after these orders were so issued that Captain Richardson was mustered into such service, on June 13, 1863, as captain of Company D of said regiment, to take effect from January 3, 1863, and was, on October 21, 1863, dismissed from the service, for impropriety of conduct, upon the recom-

mendation of the commanding general of the Department of Missouri, in special orders from the headquarters of the State of Missouri.

An examination of the reports of the adjutant-general of Missouri shows that during the service of this force other officers were in like manner dismissed. Under the agreement and the orders quoted the governor had the right to revoke such orders of dismissal, but there is no record of any application by Captain Richardson to the governor for such revocation or of any order of the governor revoking such order of dismissal. The whole question of dismissals and of revocations of such dismissals was in the hands of the governor, wholly independent of any action on the part of the President of the United States and his officers. He and they neither approved nor disapproved such orders.

If the United States were now to attempt to annul or set aside or disregard such orders of dismissals, either by act of Congress or through the executive branch, it would be a plain violation of the agreement and orders, which have been acquiesced in by all parties for over thirty years, and would necessarily be taken without any knowledge of the facts upon which the governor based his actions. In this case the record only discloses the recommendation of the commanding general, who was a United States officer, for dismissal "for impropriety of conduct," and a statement by the inspector of the district that "Captain Richardson was in the habit of getting drunk and playing cards with enlisted men, and that he was incompetent."

Your committee are constrained to report adversely and to deny the relief asked by the petitioner, and to recommend that his prayer be not granted.



SYLVESTER H. MASE.

FEBRUARY 17, 1898.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 3608.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3608) removing the charge of desertion from the record of Sylvester H. Mase, a musician, Fifty-sixth New York Infantry, have examined the same, and report.

The report of the Committee on Military Affairs of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

[House Report No. 268, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3608) removing the charge of desertion from the record of Sylvester H. Mase, a musician, Fifty-sixth New York Infantry, having had the same under consideration, respectfully submit the following report:

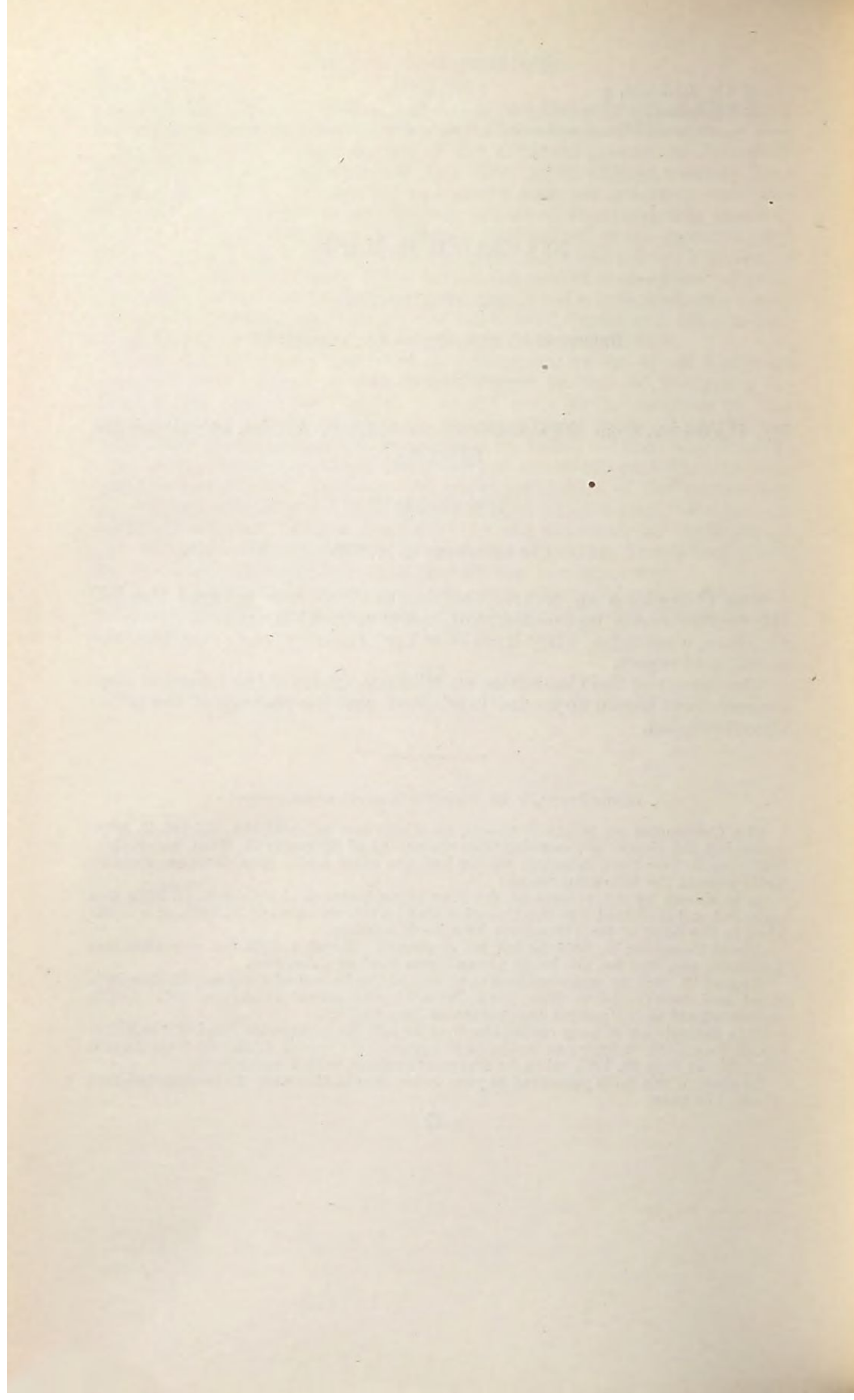
It is shown by the records of the War Department that Sylvester H. Mase was enrolled and mustered into the United States service on October 18, 1861, as a musician in the band of the Fifty-sixth New York Infantry.

About December 31, 1861, he left his command. March 1, 1862, his command was mustered out, and he, not being present, was marked a deserter.

August 26, 1862, he was mustered in as second lieutenant of Company H, One hundred and twenty-eighth New York Infantry, and served faithfully until finally mustered out as regimental quartermaster July 12, 1865.

It is the opinion of your committee that he left the regimental band of the Fifty-sixth New York Infantry to recruit a company. He served faithfully from August 26, 1862, to July 12, 1865, when he was mustered out with his company.

In view of the facts presented to your committee in this case, we recommend that the bill do pass.



JAMES T. HUGHES.

FEBRUARY 17, 1898.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 6679.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6679) to repeal an act entitled "An act to perfect the military record of James T. Hughes," have considered the same, and, concurring in the opinion of the Committee on Military Affairs of the House of Representatives, whose report thereon is adopted and appended as a part of this report, recommend the passage of the bill.

[House Report No. 274, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6679) to repeal an act entitled "An act to perfect the military record of James T. Hughes," approved September 30, 1890, having had the same under consideration, submits the following report thereon:

This bill was introduced pursuant to a suggestion contained in House Doc. No. 31, first session Fifty-fifth Congress, consisting of a letter to the honorable Speaker of the House from the honorable Secretary of the Interior, transmitting a communication from the Commissioner of Pensions pertaining to the pension claim of Elizabeth Hughes, the beneficiary in said act, and to which document attention is invited.

The act which this bill proposes to repeal reads as follows:

"For the purpose of giving a pensionable status to Elizabeth Hughes, mother of James T. Hughes, and for no other purpose, the Secretary of War be, and he is hereby, authorized and directed to enter the name of James T. Hughes as an enlisted man on the rolls of Company I, Fifth Tennessee Mounted Infantry, as duly mustered into the military service on the sixteenth day of November, eighteen hundred and sixty-four, and killed in action on November twenty-one, eighteen hundred and sixty-four."

The said Elizabeth Hughes, mother of said James T. Hughes, has been and still is drawing a pension by virtue of the provisions of said act, her present certificate being No. 278023.

It appears that exhaustive searches of the records of the War Department demonstrated the utter lack of any evidence of the enlistment and muster in or service of any person named James T. Hughes in Company I, Fifth Tennessee Mounted Infan-

try Volunteers, until it was entered therein pursuant to the authority contained in said special act, and in conformity with which said pension was also granted.

Since the passage of said act it has been proven beyond question that James T. Hughes was never in the military service of the United States. A favorable report (H. R. 1180) submitted to the House by the Committee on Military Affairs of the Fifty-first Congress, first session, on the bill (H. R. 1268) to perfect the military record of James T. Hughes, and which was enacted into law in conformity with the recommendation contained in said report, discloses the fact that said report was predicated, and said bill accordingly passed, upon what purported to be the testimony of Peter and James W. Parris and William Lillard, tending to show that James T. Hughes was enlisted in Company I, Fifth Tennessee Mounted Infantry Volunteers, early in November, 1864, and that while a member of said company and in line of duty was killed on or between the 18th and 21st days of said month in a skirmish with the enemy, which took place between Ducktown and Cleveland, Tenn.; and further, that said Peter Parris, one of the witnesses, and who was wounded at the same time and place where said Hughes was killed, was in receipt of a pension.

A similar bill to that of H. R. 1268, known as S. 1378, was, on the 12th day of June, 1890, favorably reported to the Senate by its Committee on Military Affairs, and which report recites substantially the same facts contained in said House report, and is based on the same testimony.

In January, 1896, the Bureau of Pensions received information to the effect that the pension which was granted to said Peter Parris, under certificate No. 107487, had been obtained through fraud, and the claim was thereupon carefully investigated by a special examiner of that Bureau, from whose report and the testimony taken by him at Blue Ridge, Fannin County, Ga., on the 21st day of January, 1896, and at Mineral Bluff, in said county, on the 22d and 23d days of January aforesaid, it appears that the depositions of the following witnesses were taken, viz: Dr. T. T. Fain, George M. Long, John J. Prewitt, Thomas R. Frammell, James W. Parris, Peter Parris, Miles C. Turner, and Stephen Pitman.

An examination of the testimony of these witnesses fully establishes the fact that Peter Parris was wounded on or between November 18 and 21, 1864, while he, with others, some of whom with Parris were deserters from the Confederate Army, and among such others the said James T. Hughes, though not a deserter, were ostensibly making their way from the Confederate to the Union lines and met Gatewood's guerrillas near Greasy Creek, Tennessee, and all the Parris party except Peter Parris were instantly killed, the said James T. Hughes being among those who were thus killed by Gatewood's men, consequently the said son of the beneficiary named in said act approved September 30, 1890, was not at the time he was killed a Union soldier, nor had he ever been such, and there is no proof even that he was at any time within the Union lines; that said Peter Parris survived the wounds which he received in said attack made on his band by said Gatewood's bushwhackers and is the instrumentality through which, with the aid of others equally guilty of fraud, perjury, and criminality, the Government has been robbed, not only for said Parris's own benefit, but also under the special act which it is proposed by this bill to repeal.

As neither Peter Parris nor James T. Hughes had, at the time the one was wounded and the other killed, reached the Union lines, and as none of them had been previously enrolled, enlisted, or mustered into service in the Union Army, neither they nor their dependents have the slightest claim on the Government by reason of the wounding of one or the death of the other. All evidence as to the existence of an understanding between Parris's band that they were to join the Union Army is founded upon the fact that Parris did subsequently join Company I, Fifth Tennessee Mounted Volunteer Infantry, and what Parris gave out as to the intention of the others, but when the testimony of James W. Parris, a brother of said Peter Parris, was taken by the special examiner, which testimony clearly showed that Peter Parris had never been within the Union lines or enlisted at the time he was wounded, the said Peter Parris, under oath, admitted that his brother's testimony was true. Such admission amounts to a confession that all the testimony given by witnesses in support of the claim that either the said Peter Parris or the said James T. Hughes were Union soldiers at the time of the skirmish with said Gatewood's men was a fabrication, and hence the committees who reported favorably upon said bill authorizing the name of said James T. Hughes to be entered as an enlisted man on the rolls of Company I, Fifth Tennessee Mounted Infantry Volunteers, in order to give the said Elizabeth Hughes, his mother, a pensionable status, and the Congress which passed said bill, were all misled by the false testimony presented in the case.

In the opinion of your committee the beneficiary in said act can not be held wholly blameless, for it would, under the circumstances, be doing violence to every reasonable presumption to concede that she did not have some information as to the fact that her said son, James T. Hughes, was not a Union soldier when killed.

Your committee therefore recommend that said bill designed to repeal said former act do pass.

[House Document No. 31, Fifty-fifth Congress, first session.]

DEPARTMENT OF THE INTERIOR,
Washington, April 17, 1897.

SIR: I have the honor to transmit herewith, by request of the Commissioner of Pensions, the papers in the pension claims of Elizabeth, mother of James T., Hughes, alleged to have served in Company I, Fifth Tennessee Volunteer Mounted Infantry, certificate No. 278023, and Peter Parris, of Company I, Fifth Tennessee Volunteer Mounted Infantry, certificate No. 107487.

These claims are submitted for consideration relative to the propriety of repealing the special act, dated September 30, 1890, by which the mother of James T. Hughes was pensioned.

Very respectfully,

C. N. BLISS, *Secretary.*

HON. THOMAS B. REED,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 9, 1897.

SIR: In compliance with the provisions of section 4720 of the Revised Statutes of the United States, I have the honor to forward herewith the original papers pertaining to the claim of Elizabeth Hughes, mother of James T. Hughes, who is alleged to have served as a private in Company I, Fifth Tennessee Mounted Infantry, certificate No. 278023, and the papers in the claim of Peter Parris, late private, Company I, Fifth Tennessee Volunteer Mounted Infantry, certificate No. 107487, for consideration as to the propriety of referring said papers to the Congress of the United States for action looking to the repealing of the special act, approved September 30, 1890, under which the pension in the former claim was granted.

The act in question reads as follows:

"For the purpose of giving a pensionable status to Elizabeth Hughes, mother of James T. Hughes, and for no other purpose, the Secretary of War be, and he is hereby, authorized and directed to enter the name of James T. Hughes as an enlisted man on the rolls of Company I, Fifth Tennessee Mounted Infantry, as duly mustered into the military service on the sixteenth day of November, eighteen hundred and sixty-four, and killed in action on November twenty-one, eighteen hundred and sixty-four."

The committee report which accompanies the special act shows that said act was predicated upon the testimony, or at least what purports to be the testimony, of Peter Parris, James W. Parris, and William Lillard, purporting to show that James Thomas Hughes was enlisted in Company I, Fifth Tennessee Mounted Volunteer Infantry, early in November, 1864, and while a member of said company and in line of duty was killed, on or about the 18th day of that month, in a skirmish with the enemy which occurred between Ducktown and Cleveland, Tenn.; and further, that Peter Parris, one of the witnesses, was in receipt of a pension on account of wound received in the same fight.

As will be shown below, this Bureau is in possession of satisfactory evidence showing that fraud was perpetrated in obtaining said special act.

In January, 1896, upon an allegation that the pension which was granted to Peter Parris, late private, Company I, Fifth Tennessee Volunteer Mounted Infantry, under certificate No. 107487, had been obtained through fraud, the claim was carefully investigated by Special Examiner A. B. Parkey, whose report will be found with the papers therein.

As shown by the testimony obtained during the special examination of this claim, the facts surrounding the fight in which Peter Parris received his wound and James Thomas Hughes was killed are as follows:

Just before the fight took place, William Lillard, Peter Parris, and others had deserted from the Confederate army and had organized themselves into a band of bushwhackers which pillaged the State of Georgia. They became so notorious that it became unsafe for them to remain in the vicinity, and hence they started to go through the Union lines, apparently with intent to secure their personal safety rather than to join the Federal forces. While en route to the Union lines this party, or gang, which was in no sense a military organization, picked up James T. Hughes on the way, and as they proceeded on their journey they met a squad of Southern guerrillas—not soldiers—who shot them down, killing all except Peter Parris, who was desperately wounded. It was in this fight that the son of the pensioner was killed. Peter Parris did eventually go through the lines, and afterwards actually enlisted in Company I, Fifth Tennessee Volunteer Mounted Infantry; but James T. Hughes

never did go through the lines, never enlisted, was never in the military service of the United States, and was not killed while in the discharge of his duty.

The records of the War Department show that the name of James T. Hughes is not borne upon the rolls of Company I, Fifth Tennessee Volunteer Mounted Infantry, except as placed there under the provisions of the special act under which the pension was granted, and it is certain that he was never in the military service of the United States in any capacity whatever.

While it is clear that James T. Hughes's death was not incurred while in the military service of the United States, it is deemed proper to invite your attention to the fact that the pensioner appears to be in no way responsible for the deception which was practiced in the case. On the contrary, everything points to one W. L. Hunter, a notorious character who has served a term in the penitentiary for violation of the law in connection with this claim, as having prepared and caused the filing of the testimony upon which the committee report was predicated.

The pensioner is a very old woman, and presumably will live but a few years longer. She is without other means of support than her pension, and her son was killed by Confederate bushwhackers, though at the time of his death he was not in the service of the United States, and was associated with an organized gang of bushwhackers who pretended to be serving the Union. He was, however, but a child, and there is nothing whatever in the evidence to show that he personally participated in any of the illegal acts of his associates, and it is possible that his motive in joining the gang was to enlist in the Federal service.

Inasmuch, however, as the provisions of section 4720, Revised Statutes of the United States, are mandatory, I deem it proper to refer this case for your consideration as to whether it should be forwarded to Congress for action looking to a repeal of the act.

Very respectfully,

H. CLAY EVANS, *Commissioner*.

The SECRETARY OF THE INTERIOR.



RHODA A. VAN NIMAN,

FEBRUARY 17, 1898.—Ordered to be printed.

Mr. HANNA, from the Committee on Pensions, submitted the following
REPORT.

[To accompany S. 3517.]

The Committee on Pensions, to whom was referred the bill (S. 3517) granting a pension to Rhoda A. Van Niman, have examined the same, and report:

A similar bill was introduced in the Senate during the Fifty-fourth Congress, passed the Senate, and was reported favorably by the House of Representatives.

The Senate report is as follows:

This claimant made an application to the Pension Bureau under the act of June 27, 1890, and her claim was rejected June 17, 1895, on the ground that she was not dependent.

It appears from the papers in this case that the total yearly income of this woman is but little over \$100. This small sum is not sufficient to support her, and she is unable to do physical labor.

In the opinion of your committee, this is a meritorious case, and the bill is accordingly recommended for passage.

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RIGHT OF WAY THROUGH PUBLIC LANDS.

FEBRUARY 17, 1898.—Ordered to be printed.

Mr. PASCO, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 1595.]

The Committee on Public Lands, to whom was referred the bill (H. R. 1595) to amend "An act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes," have given the same careful consideration, and submit the following report thereon:

The purpose of this bill is to extend the permission to use the right of way through the public lands for tramroads, canals, and reservoirs authorized by the act approved January 21, 1895, so as to allow water to be furnished for domestic uses as well as for canal and irrigation purposes. A similar bill was passed by the House of Representatives during the Fifty-fourth Congress, but it came to the Senate late in the closing session and no action was here taken upon it. Before the bill was passed by the House, it was referred to the Department of the Interior, and certain amendments were recommended by the Secretary, which were accepted by the Committee on the Public Lands, and in the amended form the bill received favorable consideration in the House. The bill introduced during the present Congress is in the same language as in the former amended act, and its passage is recommended by the present Secretary of the Interior and Commissioner of the General Land Office.

Their communications appear in the House report, and are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 25, 1898.

SIR: I am in receipt of your letter of the 17th instant, inclosing for my consideration H. R. 1595, entitled "A bill to amend an act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," together with Report No. 2790, on H. R. 9607.

In reply, I have the honor to transmit herewith copy of report by the Commissioner of the General Land Office, dated the 24th instant, in which he states that the present bill (H. R. 1595) is the same as the former bill (H. R. 9607), amended in accordance with the suggestions of his office in its report made January 29, 1897.

The Commissioner sees no objection to the passage of the bill, and recommends a favorable report thereon.

I concur in his views.

Very respectfully,

C. N. BLISS,
Secretary.

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 24, 1898.

SIR: I have the honor to acknowledge the receipt, by departmental reference, of a letter of Hon. John F. Lacey, chairman of the House Committee on the Public Lands, transmitting for consideration a bill (H. R. 1595) entitled "A bill to amend an act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," accompanied by committee report No. 2790 of the second session Fifty-fourth Congress, upon the bill H. R. 9607.

The bill (H. R. 9607) of the Fifty-fourth Congress was reported upon by this office January 29, 1897, by the former Assistant Commissioner. Copy of the report is printed in the above committee report (No. 2790).

The present bill (H. R. 1597) is the same as the former bill (H. R. 9607), with amendments in accordance with the suggestions of this office in its former report.

Upon consideration of the bill and the reports, I see no objection to its passage. I would therefore recommend that a favorable report be made thereon.

The papers are herewith returned with a copy of this report.

Very respectfully,

BINGER HERMANN, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The committee are in favor of the proposed legislation, but while it is pending an opportunity is presented to prevent complications which may arise under existing laws by the diversion of water for reservoir or other purposes from its natural channels. It is understood that claims are made that laws which have been enacted upon this subject give authority to use the waters of streams and rivers without regard to the rights of those living below, even to the extent of changing or removing natural boundaries, State and international, and of destroying the avenues of trade and commerce or impairing their value.

It is the policy of our laws to recognize and protect these rights, and if any basis for such a claim exists or is claimed it should be removed; and the committee recommend that the bill be amended so that the rights of those who live along our water courses or who carry on their trade and commerce by their use may not be endangered.

To accomplish this result the following amendment is recommended.

Add on page 2, at the end of line 27, the following :

Provided, That nothing in this act or the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," or the act approved January 21, 1895, entitled "An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," or the act approved February 26, 1897, entitled "An act to provide for the use and occupation of reservoir rights reserved," shall be so construed as to authorize the appropriation or storage of the waters of any stream or river, State, interstate, or international, to which others below have right by prior appropriation, or the obstruction or interference with the navigable capacity of such streams or rivers, and such appropriation or storage, obstruction or interference, is hereby prohibited.

When thus amended, it is recommended that the bill do pass.

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HEIRS OF THOMAS J. CHACE.

FEBRUARY 17, 1898.—Ordered to be printed.

Mr. PASCO, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 1895.]

The Committee on Claims, to whom was referred the bill (S. 1895) for the relief of the heirs of Thomas J. Chace and Thomas J. Chace, jr., late of Monticello, Fla., have carefully considered the same and submit the following report thereon:

The claim is for rent of a brick building and wooden warehouse at Monticello, Fla., occupied from September 23, 1865, to November 30, 1865, by the United States authorities, under a contract with Thomas J. Chace and Thomas J. Chace, jr., who at that time owned and controlled the property.

Under this contract a voucher in duplicate was issued by Lieut. John Carlovitz, regimental quartermaster First Florida Cavalry, for \$132.18, and the pending bill provides for the payment of this amount to the claimants as the heirs of the owners of the property.

The lessors of the property presented their claim during the following year, and it was disallowed by the Second Comptroller because the payment of such claims was not at that time authorized, as will appear from a communication addressed to a member of the committee by the Auditor of the War Department, which is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR WAR DEPARTMENT,
Washington, D. C., February 26, 1897.

SIR: In reply to your letter of the 24th instant, asking information in reference to a claim of T. J. Chase & Co., of Monticello, Fla., you are respectfully informed that a claim in favor of said firm based upon voucher in duplicate, issued by Lieut. John Carlonitz, regimental quartermaster First Florida Cavalry Volunteers, for the hire of a brick building and wooden warehouse, as a hospital, from September 23, 1865, to November 30, 1865, at \$700 per annum, amounting to \$132.18, was disallowed by the Second Comptroller on the 7th of June, 1877.

The reason stated for the rejection was that the claim was one for the occupation of real estate, and originated during the war in a State declared to be in rebellion, and that it was consequently barred by the act of February 21, 1867. The papers in the disallowed claim are on file in this office.

Respectfully, yours,

T. STOBO FARROW, *Auditor.*

Hon. S. PASCO, *United States Senate.*

There is no doubt as to the validity of the claim. The contract was entered into by the Government through its proper officers, the buildings were occupied for the time agreed upon, and it is admitted that the rent has not been paid. It could not be paid at the time by the Treasury officers, because, under the laws which existed at the time, those who made such contracts with the Government within the States which had attempted to withdraw from the Union were forced to apply to Congress to obtain the payment of their claims. Relief has been granted by the Congress in similar cases, and the committee are of the opinion that the amount due the complainants and set forth in the voucher should be paid.

A verbal amendment is proposed in line 8 by substituting "buildings" for "house," so as to conform to the facts as they appear in the record. When thus amended it is recommended that the bill do pass.



FORT SHAW MILITARY RESERVATION.

FEBRUARY 17, 1898.--Ordered to printed.

Mr. CARTER, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 160.]

The bill (S. 160) proposes to open up to settlement, under the homestead and mining laws of the United States, the lands formerly embraced in what is known as the Fort Shaw Military Reservation in the State of Montana, said reservation having been abandoned and placed under the control of the Indian Office. The reservation originally contained 29,842 acres, of which 4,999.5 acres have since been surveyed and set apart for the use of the Fort Shaw Industrial Indian School, leaving 24,842.5 acres which it is proposed by the bill to throw open to settlement.

The bill passed the Senate during the last Congress in the same form as now reported, having been submitted to the Department and having been made to conform to the recommendations made by the Commissioner of Indian Affairs and the Commissioner of the Land Office.

The bill, as reported, reserves to the Fort Shaw Indian Industrial School the 4,999.5 acres set apart for its use, together with all ditches and water rights and 100 feet of right of way on either side of such ditches.

Appended hereto will be found correspondence from the Interior Department and Indian Office addressed to Senator Mantle, which sets forth in detail the present status of the lands referred to in the bill, and containing the recommendations of those Departments.

The Committee on Public Lands report the bill favorably, and recommend that it do pass with the following amendments:

Amend title so as to read: "A bill to provide for the disposal of the abandoned Fort Shaw Military Reservation, in Montana, under the homestead and mining laws of the United States."

In section 2, line 4, after the word "homestead," insert the word "and." In same line strike out the last word, "and."

In section 2, line 5, strike out the first two words, "other land."

DEPARTMENT OF THE INTERIOR,
Washington, March 30, 1897.

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office on Senate bill 160, "to provide for the disposal of the abandoned Fort Shaw Military Reservation, in Montana, under the homestead, mining, and other land laws of the United States."

It will appear from the facts set forth in the Commissioner's report that this abandoned military reservation has never been transferred to this Department for disposal under the public land laws, but only for Indian school purposes; hence the legislation proposed is necessary if Congress desires the disposal of those lands to be made under the public land laws. In view of the fact that a certain portion of the reservation has already been selected and appropriated for an Indian school, I concur in the proposed amendment suggested by the Commissioner to section 1 of said bill, and when so amended I have no objection to urge to its passage.

Very respectfully,

C. N. BLISS, *Secretary.*

Hon. R. F. PETTIGREW,
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 29, 1897.

SIR: I have had the honor to receive, by departmental reference of March 23, 1897, for report in duplicate and return of paper, Senate bill No. 160, "to provide for the disposal of the abandoned Fort Shaw Military Reservation, in Montana, under the homestead, mining, and other land laws of the United States," which was referred to the Department by the Senate Committee on Public Lands, with a request for an expression of its views thereon.

In reply I have the honor to report that this reservation was established by Executive order of January 11, 1870. It contains 32,000 acres. Under date of April 15, 1892, the reservation was transferred to this Department by the War Department under the act of July 31, 1882 (22 Stat., 181), for Indian school purposes.

On February 15, 1893, the Commissioner of Indian Affairs transmitted to this office a diagram representing the land in this reservation selected as necessary for the Indian school, and the approval thereof by the Secretary of the Interior, together with his office report thereon to the Secretary of the Interior, dated February 2, 1893.

On August 5, 1893, the Commissioner of Indian Affairs transmitted to this office a printed copy of General Order, No. 30, Adjutant-General's Office, Washington, D. C., April 30, 1892, for filing, which contained a copy of the order of the War Department which transferred the Fort Shaw Reservation to the Interior Department for Indian school purposes under the said act of July 31, 1882.

On July 13, 1893, the Department forwarded to this office a communication from the Commissioner of Indian Affairs containing a copy of the plat and field notes of the survey of the tract selected for the Fort Shaw Indian Industrial School, containing 4,999.5 acres, showing irrigating ditch and accompanying water rights upon the military reservation as they now exist, together with the exclusive right of way for 100 feet on each side from the center of ditch, which is retained for the use and benefit of Fort Shaw Indian Industrial School.

These are the only communications relative to the abandonment of this reservation which appear to be on the files of this office, and I have been unable to find any Executive order or any special act of Congress by which the residue of this reservation (27,000 acres) not needed for the Indian school has been transferred to the Interior Department for disposal under the public land laws.

While the surplus lands in question have never been placed under control of this Department for disposal under the public land laws and can not without additional legislation be disposed of until so placed, it will be observed that the second section of this bill provides that the reservation, exclusive of the portion embraced in the Indian school, shall become a part of the public domain, subject to exploration, location, entry, and settlement under the homestead, mining, and other land laws of the United States.

I have the honor to suggest that the first section of the bill be amended so as to cause the survey of this reservation to be so made as to show the exterior lines of the said Indian school reserve, and for this purpose suggest that all after the word "the" on line 6 of said section be stricken out and the following inserted: "Lines of the public land surveys over the same, with the exception of the tract within said reservation set apart for the use of the Indian school."

If the amendment suggested is made, this office has no objections to urge to the passage of the bill.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, January 20, 1896.

SIR: I have the honor to acknowledge the receipt of your communication of 11th instant, transmitting copy of a bill amending S. 565, "A bill to provide for the disposal of the abandoned Fort Shaw Military Reservation, in Montana, under the homestead and mining laws, for agricultural and other purposes," so as to conform to the suggestions contained in Department letter of 7th instant, and asking whether the amended bill covers the purpose desired and whether it sufficiently guards the interests of the Fort Shaw Indian school.

In response thereto, I transmit herewith copy of a communication of 18th instant, from the Commissioner of Indian Affairs, in which he reports that there is no reason known to his office why the amended bill should not become a law.

The bill is herewith returned.

Very respectfully,

HOKE SMITH,
Secretary.

Hon. LEE MANTLE,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 18, 1896.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of a communication from Hon. Lee Mantle, dated the 11th instant, acknowledging the receipt of a letter from the Department dated the 7th instant, together with a letter from the Commissioner of the General Land Office and one from this office, relative to the opening to settlement of the Fort Shaw Military Reservation, in the State of Montana.

Senator Mantle incloses a copy of S. 565, Fifty-second Congress, first session, which he has changed to conform to the suggestions contained in the letters of the Commissioner of the General Land Office and this office, and asks whether it sufficiently guards the interest of the Fort Shaw Indian Industrial School.

Said bill, as changed by Senator Mantle, provides as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to cause the lands embraced within the abandoned Fort Shaw Military Reservation, in Montana, to be regularly surveyed by an extension of the public survey over the unsurveyed portions thereof.

"SEC. 2. That said reservation, upon the approval of the survey thereof by the Secretary of the Interior, shall become a part of the public domain and subject to exploration, location, entry, and settlement under the mining, homestead, and other land laws of the United States: *Provided*, That that portion of said reservation now set apart for the purposes of the Fort Shaw Indian Industrial School, and amounting to four thousand nine hundred and ninety-nine and five-tenths acres of land, with any and all irrigating ditches and accompanying water rights as they now exist upon said reservation, together with the exclusive right of way for one hundred feet on each side from the center of said ditches, shall be reserved and retained for the use and benefit of said Fort Shaw Indian Industrial School: *And provided further*, That nothing herein contained shall limit the operations or extent of any grant of land heretofore made to the State of Montana."

In reply I have the honor to invite your attention to office report of December 23, 1895, acknowledging the receipt of a communication from Senator Mantle, of December 12, 1895, inclosing S. 565, Fifty-second Congress, first session, providing for "the disposal of the abandoned Fort Shaw Military Reservation in Montana, under the homestead and mining laws, for agricultural and other purposes," and asking whether said bill would meet with the approval of this office, to which this office reported to the Department, December 23 last, that it would not meet the desired end and would very seriously affect said school. I also stated in said report that any legislation looking to the opening of the surplus lands of said reservation should carefully guard the interests of said school, and recommended that in addition to the 4,999.5 acres of land reserved for said school by order of the Department of July 6, 1893, any and all irrigating ditches and accompanying water rights upon the military reservation, as they exist at the time of the passage of any act looking to the opening of the surplus lands, together with the exclusive right of way for 100 feet on each side from the center of said ditches, should be reserved and retained for the use and benefit of the Fort Shaw Indian Industrial School.

This has in substance been included in the proposed bill submitted by Senator Mantle, and there is no reason known to this office why the bill proposed by him, as above set forth, should not become a law.

The communication of Senator Mantle, with its inclosure, is respectfully returned herewith, together with a copy of this report.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner*.

The SECRETARY OF THE INTERIOR.

POSTSCRIPT.—The following description of the Fort Shaw Reservation is from a report by the Commissioner of Indian Affairs:

"Fort Shaw military post, situated in latitude $47^{\circ} 30' 3''$, longitude from Greenwich $111^{\circ} 40'$, on the right bank of the Sun River, and about 15 miles from its confluence with the Missouri, embracing about 32 square miles, was established in July, 1867. (See War Department descriptive list of military posts, 1872, pp. 236 and 254.) By General Order No. 69, issued September 14, 1869, and by Executive order of January 11, 1870, the following described tract of land was set apart as the military reservation, viz:

"Beginning as an initial point at a sandstone, marked with pits and mounds, on the verge of the plateau north of Sun River at a point bearing north 52° west from Sun River crossing and north 8° E. from the northwest angle of Square Butte; thence S. 8° W. 356 chains to a post marked U. S. M. R.; thence S. $58^{\circ} 15'$ W. 304.39 chains to the summit of a conical peak of granite rock called the "Nipple;" thence N. $64^{\circ} 15'$ W. 216.90 chains; thence W. 154 chains; thence S. $76^{\circ} 45'$ W. 91.68 chains to a sandstone marked U. S. M. R. and a monument of stone, being the southwest angle of the reservation; thence N. $33^{\circ} 15'$ W. 317 chains to a sandstone and monument of stone erected on a high bluff, being the northwest angle of the reservation; thence N. $64^{\circ} 15'$ E. 100.70 chains; thence N. $86^{\circ} 15'$ E. 280 chains to a sandstone marked U. S. M. R. and a mound of gravel and boulders; thence N. $88^{\circ} 15'$ E. 56 chains to a sandstone and monument of stone; thence N. 67° E. 239 chains; thence N. $86^{\circ} 15'$ E. 276.32 chains to the northeast angle of the reservation, which is the place of beginning."

"It contains 46 square miles or 29,842 acres and is located in T. 20 N., R. 2 and 3 W., Montana."

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 7, 1895.

SIR: Referring to your informal request for information as to the quantity of land required for the permanent use of the Fort Shaw Indian School, with a description of the same, and also the quantity of land now in reservation for said school, with a view to have the surplus lands open to settlement, I would state that the original Fort Shaw military post, embracing an area of 29,842 acres, located in township 20 north, ranges 2 and 3 west, Montana, was established in July, 1867. By General Order No. 69, issued September 14, 1869, and by Executive order of January 11, 1870, the outside boundaries of the military reservation were described, and the land embraced therein was set apart as the Fort Shaw Military Reservation.

On the 25th of April, 1892, the Fort Shaw Reservation was turned over to the Interior Department by the War Department, for Indian school purposes, so long as it should not be required for military occupation. The school superintendent, on the 3d of August, 1892, forwarded a plat of 13,119.8 acres as all the land, in his opinion, necessary to be retained out of the military reservation. When the plat and papers were submitted to the Secretary for his approval, he returned them on the 2d of December, 1892, stating that he was willing to reserve 5,000 acres for the school, provided that amount was necessary for its proper conduct, and directed that the superintendent of the Fort Shaw school select the reduced area and furnish a description thereof.

In compliance with said direction Superintendent Winslow, on the 20th of January, 1893, forwarded a plat of the lands selected, containing 4,999.5 acres, described as follows:

"Beginning at a point which lies S. $78^{\circ} 9'$ E., 17,177 feet from the SE. corner of Sec. 10, T. 20 N., R. 3 W.; thence N., crossing Sun River, 11,070 feet; thence E. 13,550 feet; thence N. 2,640 feet; thence E. 9,240 feet; thence S., crossing Sun River, 10,560 feet; thence W. 14,610 feet; thence S. $68^{\circ} 56'$ W. 8,767 feet, to the place of beginning."

It is held that all of this land is needed for the school purposes, and to protect the water rights of the irrigating ditch connected therewith.

For your further information in connection with this matter, I transmit herewith a copy of report made to the Secretary of the Interior March 1, 1895, on a communication from the Hon. T. C. Power, United States Senate, dated February 23, 1895, requesting to be given the status of the Fort Shaw Military Reservation, in Montana.

From this report you will observe that a bill, No. 565, was introduced in the Senate "to provide for the disposal of the abandoned Fort Shaw Military Reservation in Montana, under the homestead and mining laws, for agricultural and other pur-

poses." In that report the recommendation was made that when the residue of the military reservation should be open to settlement, there be reserved to the Government the right to remove any buildings or public property therefrom that might be desired, and that the right be reserved to such private parties as were then the owners of any buildings or other improvements to remove the same should they so desire; attention being particularly invited to the words on the blue-print map of the reservation respecting the irrigating ditch and accompanying water rights upon the military reservation as they then existed.

There was then no reason known to this office nor is there now why said surplus land should not be opened to settlement, as heretofore recommended.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Hon. LEE MANTLE,
United States Senate.

(Through Secretary of the Interior.)

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 1, 1895.

SIR: I have the honor to acknowledge the receipt by Department reference for report of a letter from Hon. T. C. Power, United States Senate, dated February 23, 1895, requesting to be given the status of the Fort Shaw Military Reservation in Montana, etc., which communication, it appears, has been referred to the Commissioner of the General Land Office, and reported upon by him in duplicate February 25, 1895, with the suggestion that as said reservation was then under the jurisdiction of this office, the Land Office was unable to state whether there was any objection to opening a portion thereof to homestead settlers.

In compliance with said reference, I have the honor to report that this office on the 15th of June, 1892, submitted a report on Senate bill No. 565 "to provide for the disposal of the abandoned Fort Shaw Military Reservation in Montana, under the homestead and mining laws for agricultural and other purposes," which the Hon. W. F. Saunders filed with the Department May 11, 1892.

After stating that the military reservation had been turned over by the War Department to the Department of the Interior for the purpose of an Indian industrial school and steps had been taken to determine how much of said reservation ought to be reserved for school purposes, this office reported that as soon as it was ascertained what portion of this military reservation was actually needed for the use of the school the remainder could then be thrown open to public settlement or otherwise disposed of, as suggested in office letter (educational division) to the Department of April 13, 1892, the water rights, of course, going with the school.

For your information I inclose so much of the annual report for 1893 as gives the history of said military reservation since it was turned over by the War Department, under the act of July 31, 1882 (22 Stat. L., 181), and the description and area of the land reserved for school purposes.

The Commissioner of the General Land Office was advised on the 15th of February, 1893, of the setting apart of the 4,999.5 acres for the Fort Shaw Indian Industrial School, and that when the residue of the military reservation should be opened to settlement there was reserved to the Government the right to remove any buildings or public property therefrom that might be desired, and that the right was reserved to such private parties as were then the owners of any buildings or other improvements to remove the same should they desire it, attention being particularly invited to the words on an inclosed map (blue print copy) of the reservation, respecting the irrigation ditch and accompanying water rights upon the military reservation as they then existed.

In a report on the subject dated June 20, 1893, submitting a corrected diagram of the Fort Shaw Military Reservation, with the lands reserved for the Indian Industrial School outlined thereon, this office recommended that, as it was contemplated that the surplus lands of the Fort Shaw Military Reservation not required for school purposes should be opened to settlement, the General Land Office be instructed to take charge of the surplus lands, and in compliance with your directions of July 6, a copy of the plat and field notes of survey of the school lands (4,999.5 acres) was returned to you July 12, to be sent to the Land Office with your instructions.

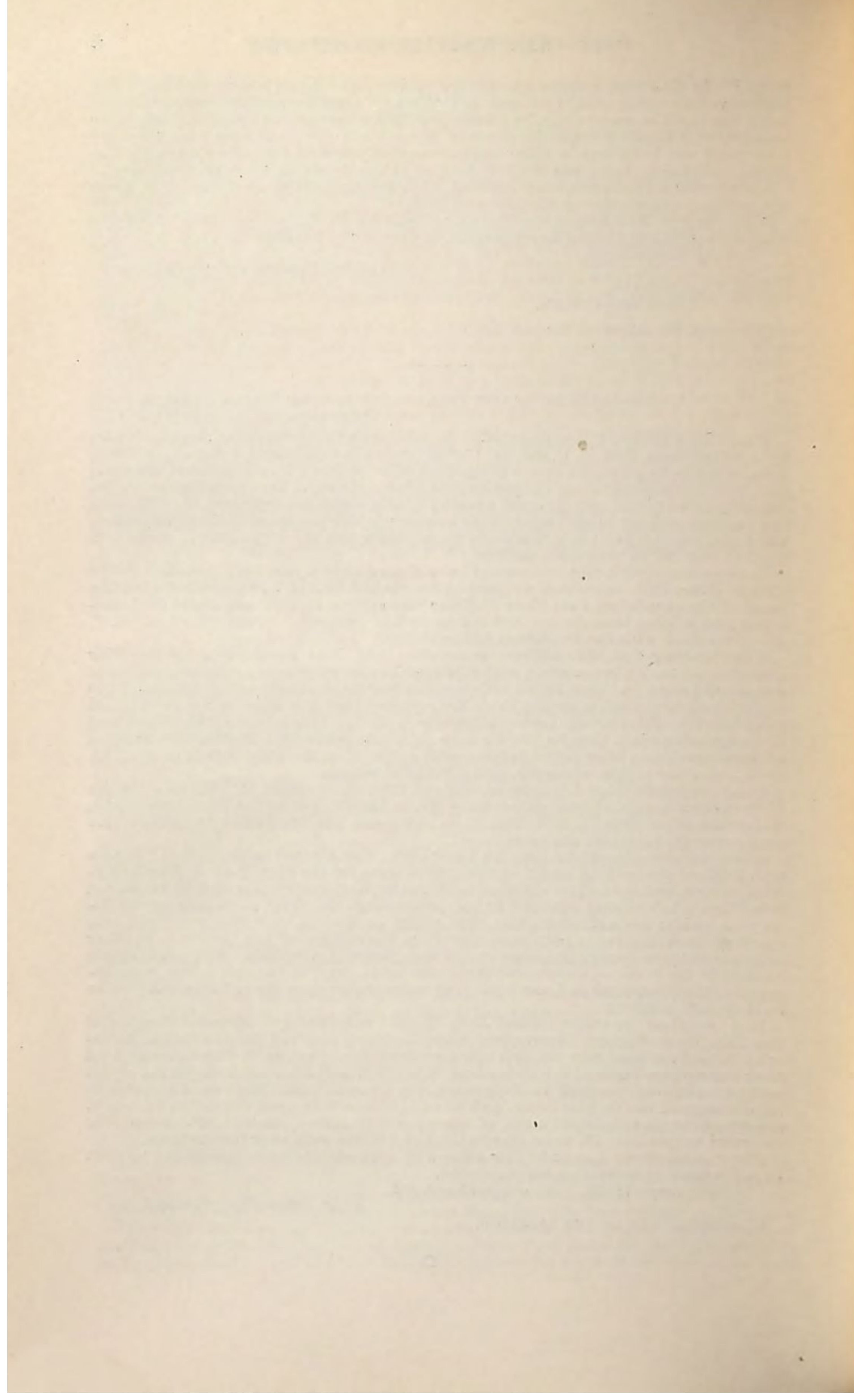
There is no reason known to this office why said surplus lands should not be open to settlement as heretofore recommended.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

C



MRS. MARYNEAL HUTCHES SMITH.

FEBRUARY 17, 1898.—Ordered to be printed.

Mr. TURPIE, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany Mr. Chandler's amendment to H. R. 6449.]

The Committee on Foreign Relations, to whom was referred an amendment to the bill making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1899, make the following report:

Your committee are of the opinion, under the circumstances of the case, that the amendment ought to be inserted in the appropriation bill named, but we do not wish to make a precedent providing that in case of death of the head of a bureau of this character there should, as a matter of course, be made an appropriation for the remainder of the salary, as is done usually in the case of foreign ministers and other diplomatic agents, but we are of the opinion in this case that Joseph P. Smith, now deceased, late Director of the Bureau of American Republics, was in effect discharging duties of a quasi diplomatic character as the head of that Bureau, and that his last illness was incurred by overwork in the discharge of his official duties. We think the claim is a meritorious one for these reasons, and we report an amendment, to follow the last word in the last line of the original amendment, in these words:

The said Joseph P. Smith having held a quasi diplomatic position and having incurred the disease of his last illness by overwork in the performance of his official duties.

The accompanying letter of the Secretary of State is hereby made a part of this report.

DEPARTMENT OF STATE,
Washington, February 14, 1898.

DEAR SENATOR DAVIS: I have your favor of the 11th instant, concerning the proposed appropriation for the late Joseph P. Smith. It is my belief that Mr. Smith came to his death as direct result of overwork in developing and pushing the labor of his Bureau. Mr. Smith entered upon his duties with the determination to benefit American trade and to aid its development in South America, and to this end he gave his time and labor day and night until he had undermined his constitution. I know Mrs. Smith to be a lady of high character and every way worthy of the proposed bounty.

I take pleasure in commending the measure to your favorable consideration.

Very respectfully, yours,

WILLIAM R. DAY.

Hon. C. K. DAVIS,
United States Senate.

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DIPLOMATIC APPROPRIATION BILL.

FEBRUARY 18, 1898.—Ordered to be printed.

Mr. HALE, from the Committee on Appropriations, submitted the
following

REPORT.

[To accompany H. R. 6449.]

The Committee on Appropriations, to whom was referred the bill (H. R. 6449) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1899, report the same to the Senate with amendments, and submit herewith a statement of the amount of the estimates for 1899 for the several branches of the service, the amounts provided by the bill as passed the House of Representatives, the amounts recommended by the committee, and the amounts appropriated for the fiscal year 1898.

DIPLOMATIC AND CONSULAR SERVICE, 1899.

Amount of estimates for 1899.....	\$1, 850, 428. 76
Amount of House bill.....	1, 729, 008. 76
Increase recommended by the committee	17, 400. 00
Total as reported to Senate.....	1, 746, 408. 76
Amount of appropriations for 1898, including \$9,200 in sundry civil and deficiency acts.....	1, 704, 508. 76

The items of increase recommended by the committee are as follows:

INCREASE.

Secretary and second secretary of embassy to Italy.....	\$500. 00
Second secretary of embassy to Russia	2, 000. 00
Emergencies arising in the diplomatic and consular service	3, 000. 00
International Prison Commission.....	1, 000. 00
Salaries of consuls-general and consuls.....	10, 500. 00
Clerk hire for consulate at Bordeaux	400. 00
	17, 400. 00
Amount as reported to the Senate	1, 746, 408. 76

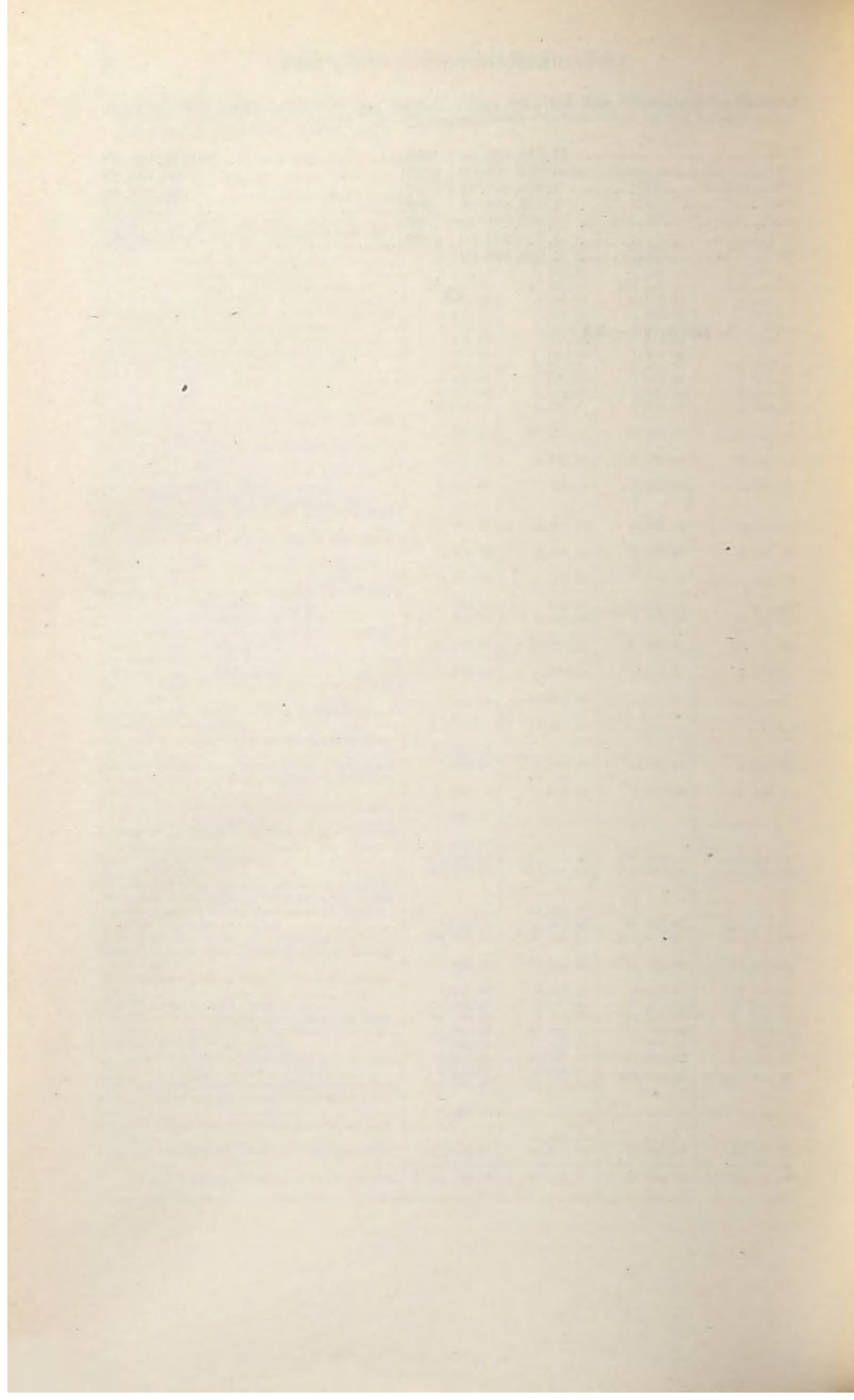
Comparative statement showing the appropriations for 1898, the estimates for 1899, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations, for 1899.

Object.	Appropriations, 1898.	Estimates, 1899.	House bill, 1899.	Senate committee, 1899.
Salaries of ambassadors and ministers	\$377,500.00	\$380,000.00	\$377,500.00	\$377,500.00
Salaries of secretaries of embassies and legations	59,275.00	72,375.00	59,275.00	61,775.00
Salaries of interpreters to legations	10,500.00	10,500.00	10,500.00	10,500.00
Clerk hire at legation in Spain	1,200.00	1,200.00	1,200.00	1,200.00
Contingent expenses of foreign missions	110,000.00	125,000.00	125,000.00	125,000.00
Loss by exchange, diplomatic service	2,500.00	2,500.00	2,500.00	2,500.00
Steam launch for legation at Constantinople	1,800.00	1,800.00	1,800.00	1,800.00
Rent of legation buildings in China	3,600.00	3,600.00	3,600.00	3,600.00
Rent of legation grounds at Tokyo, Japan	250.00	250.00	250.00	250.00
Annual expenses of Cape Spartel light	320.00	325.00	325.00	325.00
Expenses of bringing home criminals	5,000.00	5,000.00	5,000.00	5,000.00
Fees and costs in extradition cases	5,000.00	5,000.00	5,000.00	5,000.00
Rescuing shipwrecked American seamen	4,500.00	4,500.00	4,500.00	4,500.00
Expenses under the neutrality act	8,000.00	8,000.00	8,000.00	8,000.00
Emergencies arising in the diplomatic and consular service	40,000.00	60,000.00	60,000.00	63,000.00
Protecting interests of the United States in the Samoan Islands	6,000.00	6,000.00	6,000.00	6,000.00
Allowance to widows or heirs of diplomatic or consular officers dying abroad	5,000.00	5,000.00	5,000.00	5,000.00
Transporting remains of diplomatic officers, consuls, and consular clerks to their homes for interment	3,000.00	10,000.00	5,000.00	5,000.00
International Bureau of Weights and Measures	2,270.00	2,270.00	2,270.00	2,270.00
International Bureau of Publications of Customs Tariffs	1,318.76	1,318.76	1,318.76	1,318.76
International bureau at Brussels for repression of the African slave trade	100.00	100.00	100.00	100.00
International Prison Commission	2,000.00	2,000.00	1,000.00	2,000.00
International (water) Boundary Commission, United States and Mexico	25,000.00	25,000.00	25,000.00	25,000.00
International Geodetic Association for the Measurement of the Earth	1,500.00	1,500.00	1,500.00	1,500.00
International Fisheries Exposition at Bergen, Norway		20,000.00		
International Conference on a Catalogue of Scientific Literature		10,000.00		
International Railway Commission, final reports, etc	10,000.00			
Repairs to legation and consular premises	2,000.00	3,000.00	3,000.00	3,000.00
Inspection of embassies, legations, and consulates	5,000.00	5,000.00	5,000.00	5,000.00
Payment to heirs of late minister to Guatemala and Honduras	5,000.00			
Digest of International Law of the United States	10,000.00			
Salaries of consuls-general	105,000.00	110,500.00	106,000.00	116,000.00
Salaries of consuls	432,000.00	481,500.00	439,500.00	440,000.00
Payment of vice-consular officers during the absence of their principals on duty under special orders of the Secretary of State		10,000.00		
Salaries of consular clerks	15,200.00	15,200.00	15,200.00	15,200.00
Allowance for clerks at consulates	105,770.00	112,090.00	105,770.00	106,170.00
Interpreters to consulates in China, Korea, and Japan	15,000.00	17,000.00	15,000.00	15,000.00
Interpreters, guards, etc., in Turkish dominions	8,000.00	8,000.00	8,000.00	8,000.00
Marshals for consular courts	9,300.00	9,300.00	9,300.00	9,300.00
Expenses of prisons for American convicts	14,100.00	14,100.00	14,100.00	14,100.00
Relief and protection of American seamen	50,000.00	30,000.00	30,000.00	30,000.00
Foreign hospitals at Panama	500.00	500.00	500.00	500.00
Publication of consular and other reports	25,000.00	30,000.00	30,000.00	30,000.00
Loss by exchange, consular service	4,000.00	4,000.00	200,000.00	200,000.00
Contingent expenses, United States consulates	180,000.00	200,000.00		
International catalogue of exports and imports	5,000.00			
Rent of offices for consulate-general at London		1,000.00		
International Bureau of American Republics	28,000.00	36,000.00	36,000.00	36,000.00
Total, diplomatic and consular service	1,704,508.76	1,850,428.76	1,729,008.76	1,746,408.76

Amount of diplomatic and consular appropriation acts for fiscal years 1886 to 1898, inclusive.

1886.....	\$1, 242, 925. 00	1893.....	\$1, 604, 045. 00
1887.....	1, 364, 065. 00	1894.....	1, 557, 445. 00
1888.....	1, 429, 942. 44	1895.....	1, 563, 918. 76
1889.....	1, 428, 465. 00	1896.....	1, 574, 458. 76
1890.....	1, 980, 025. 00	1897.....	1, 642, 558. 76
1891.....	1, 710, 815. 00	1898.....	1, 695, 308. 76
1892.....	1, 656, 925. 00		

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RESTORATION OF ANNUITIES TO CERTAIN INDIANS.

FEBRUARY 18, 1898.—Ordered to be printed.

Mr. PETTIGREW, from the Committee on Indian Affairs, submitted
the following

REPORT.

[To accompany S. 3698.]

The Committee on Indian Affairs, to whom was referred the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, begs leave to report the same with the following amendment, and a recommendation that it pass as amended:

SEC. 2. That the annuities of the Medawakanton and Wahpakoota bands of Sioux Indians, otherwise known as the Santee Sioux Indians, arising under and by virtue of the treaties with them of September twenty-ninth, eighteen hundred and thirty-seven, and August fifth, eighteen hundred and fifty-one, between said bands of Indians and the United States, which annuities were declared forfeited by the Act of Congress approved February sixteenth, eighteen hundred and sixty-three, be, and the same are hereby, restored to said Indians and their descendants residing in the United States, to the full extent and effect as if said Act of Congress attempting to forfeit the same had never been passed, all of said annuities so restored to commence from the last payment of the same actually made and not diverted to other uses under any of said treaties and to continue until the expiration of the same by the terms of said treaties; and the Secretary of the Interior is hereby directed to state an account between the United States and the said bands of Indians, giving them credit for the unpaid installments of annuities arising under and by virtue of the above-named treaties made with them, and charging them under and by virtue of said treaties since the passage of said Act of Congress of February sixteenth, eighteen hundred and sixty-three, and the amount, if any, found due them under and by virtue of the treaties of August fifth, eighteen hundred and fifty-one, up to and including the first day of July, nineteen hundred and two, and the amount, if any, found due them by virtue of the said treaty of September twenty-ninth, eighteen hundred and ninety-eight, shall be placed to their credit on the books of the Treasury, of which amount found due and placed to their credit as herein provided there shall be, and hereby is, appropriated the sum of three hundred thousand dollars, to be immediately available, and out of which sum so appropriated the Secretary of the Interior shall pay attorneys' fees on the amount found due said Indians and placed to their credit on the books of the Treasury in accordance with contracts with said Indians approved by the Secretary of the Interior, and on file in the office of the Commissioner of Indian Affairs, and the balance of the sum so appropriated remaining after paying attorneys' fees as herein authorized shall be paid per capita to said Indians, and the balance of the amount found due to said Indians and placed to their credit on the books of the Treasury as herein provided and not hereby appropriated shall bear interest at the rate of four per centum per annum, and shall

at all times be subject to appropriation by Congress for the use and benefit of said Indians: *Provided further*, That this Act, and all its benefits, shall apply to and include all Dakota or Sioux Indians who were members of said Medawakanton and Wahpakoota bands of Dakota or Sioux Indians at the time of the making of said treaty of August fifth, eighteen hundred and fifty-one, and their descendants, whether of the full Indian or mixed blood, who are living in any part of the United States.

Previous reports have been made by the Committee on Indian Affairs to the Senate in behalf of measures identical with the one covered by this report. In addition to the arguments contained therein, your committee desire to submit the following:

The reason given for the passage of the act of 1863 was that these Indians had rebelled against the United States, and had killed quite a large number of settlers in the State of Minnesota. It is true that a portion of these bands, the unruly and restive young men, went upon the warpath and committed frightful atrocities; but it is also true that the main body of these Indians did not engage in those depredations, but did everything in their power to restrain their younger men, and 275 of them fought against their own people, enlisting in the Army of the United States for that purpose. They enlisted as scouts under General Sibley; pursued the hostile Indians, and recaptured and returned from captivity many of the women and children who had been taken by the hostile Indians.

It seems to your committee that we are punishing this large body of friendly Indians unjustly. The act of 1863 was passed, in fact, because the people were aroused at the great outrages which had been committed; for Indian warfare is exceedingly savage and cruel. Without discrimination we proceeded to punish all the Indians in the State of Minnesota except the Chippewas. The Winnebagoes were living down near Blue Earth, far within the lines of settlement, and were entirely peaceful and peaceable. They enlisted with the Minnesota troops to repel and suppress the outbreak, but they were punished with the rest—taken by force and driven from their homes. The State of Minnesota passed laws for punishing those people. Your committee have no criticism to make upon Minnesota for doing so.

There was at that time a great feeling of alarm. So excited were the people that they believed that the bands of Indians were large enough not only to overrun Minnesota, but also Wisconsin. The Indians engaged did not number more than three or four hundred. Twenty-nine of them were hung at Mankato for their participation in the outbreak. The others who were hostile were taken to Fort Snelling, retained as prisoners, and frightfully punished. Afterwards they were taken to Keokuk, Iowa, and finally returned up the Missouri River to Nebraska, to meet others of the tribe who had been taken across the country to Nebraska. Those who had been taken across the country were men not engaged in the massacre, while those who were taken to Keokuk were women and children, the Indian men themselves having escaped to British America or been killed.

Realizing the injustice we had done, President Johnson made a treaty with these people in 1867, and in that treaty it recites:

Whereas it is understood that a portion of the Sisseton and Wahpeton bands of Santee Sioux Indians, numbering from 1,200 to 1,500 persons, not only preserved their obligations to the Government of the United States during and since the outbreak of the Medewakantons and other bands of Sioux in 1862, but freely periled their lives during that outbreak to rescue the residents on the Sioux Reservation, and to obtain possession of white women and children made captives by the hostile bands; and that another portion of said Sisseton and Wahpeton bands, numbering from 1,000 to 1,200 persons, who did not participate in the massacre of the whites in

1862, fearing the indiscriminate vengeance of the whites, fled to the great prairies of the Northwest, where they still remain; and

Whereas Congress, in confiscating the Sioux annuities and reservations, made no provision for the support of these the friendly portion of the Sisseton and Wahpeton bands, and it is believed [that] they have been suffered to remain homeless wanderers, frequently subject to intense suffering from want of subsistence and clothing to protect them from the rigors of a high northern latitude, although at all times prompt in rendering service when called upon to repel hostile raids and to punish depredations committed by hostile Indians upon the persons and property of the whites; and

Whereas the several subdivisions of the friendly Sisseton and Wahpeton bands ask, through their representatives, that their adherence to their former obligations of friendship to the Government and people of the United States be recognized, and that provision be made to enable them to return to an agricultural life and be relieved from a dependence upon the chase for a precarious subsistence.

This is a statute passed in 1867. Therefore they proceeded to make a treaty with these people to repair the injustice they had done, for it is well known that those Indians, fleeing before the wrath of the United States, located in the eastern part of Dakota and there defended the frontier against the hostile attacks of other Indians, and did it for years, and starved and waited for the Government to do them justice.

In 1867, then, recognizing the obligation of the Government to these people, we made this treaty. The Indians agreed to it. They were half-starved, homeless, helpless wanderers. When this treaty came into the Senate of the United States it contained this provision:

To enable said Indians to return to an agricultural life under the system in operation on the Sioux Reservation in 1862, it is agreed that there shall be expended for the benefit of the Indians entitled to locate farms on the Lake Traverse Reservation for the year 1867, \$350,000; for the year 1868, \$250,000; for the year 1869, \$100,000; for the year 1870, \$50,000, and \$30,000 annually thereafter; and to enable the Indians on said reservation to return at once to their agricultural habits and life, and be enabled to cultivate a crop the coming season, the expenditures set forth in the schedule hereunto attached shall be made at as early a day as possible.

It also contained this provision:

An agent shall be appointed for said bands, who shall be located at Lake Traverse; and whenever there shall be 500 persons located permanently upon the Devils Lake Reservation, there shall be an agent, or other competent person, appointed to superintend the agricultural, educational, and mechanical interests of said Indians, and thereafter there shall be expended to aid said Indians in their agricultural improvements and civilization for the first year, \$100,000; for the second year, \$200,000; for the third year, \$100,000; for the fourth year, \$50,000, and \$30,000 annually thereafter.

The Senate of the United States struck out both of those sections. The treaty recited the injustice which had been committed against these friendly Indians in driving them from their homes. And yet the Senate, with knowledge of the facts, proceeded to strike out the money which was to be the consideration for making the treaty on the part of the Indians.

By this treaty the Indians grant to the Government the right of way across their great tract of land still owned by them in North and South Dakota, which was not forfeited by the act of 1863, and the Senate substituted in place of Articles VI and VII a provision by which Congress simply agreed to make appropriations for these people such as Congress might think were proper and just. If the treaty had been ratified as made with the Indians, there would have been no occasion for coming here and asking that the forfeiture of their annuities under the treaty of 1851 should be repealed, for under those two sections the Indians would have received, one band \$750,000 in cash and the other \$450,000 in cash, and in addition \$30,000 a year for thirty years, which would have amounted to \$1,800,000, or over \$3,000,000 in all.

We sent the treaty back as amended by the Senate for their ratification. We had taken possession of their country. They had nothing else to do but to submit to whatever terms the Government imposed upon them. Although we took the benefits of their treaty and afterwards built railroads across their country, we refused to return the annuities we had taken from them and forced them to submit to these conditions, by which we gave them nothing except what we might give them as a gratuity.

Now these people come and say: "Restore our annuities under the treaty of 1851; deduct if you will every dollar which was paid under sections 6 and 7, as adopted by the Senate, and give us the remainder, and then we will receive only about one-half what we would have received if the treaty which we made in 1867 had been adopted."

The events which resulted in the forfeiture of the annuities to these people occurred in 1862, thirty-six years ago. The Indians who participated in those events are dead. Their children of right have inherited every right and every claim to this property. It seems that we can not do otherwise than pass this legislation and restore these people to their rights. It is the belief of your committee that this is the only case in the history of this country where a forfeiture has been made that the Government has not since restored the property forfeited. The Indians of the Indian Territory, although engaged in arms against the Government, enlisting and seceding with the Southern States, in 1866 had their rights and annuities and every sum of money due them under existing treaties, made previous to the war, restored. These people fought upon our side and defended the frontier. They have been put off. Justice has been refused.

Under the Constitution of the United States—

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except through the life of the person attainted.

If these Indians were even guilty of treason, instead of having enlisted in our armies, under that provision of the Constitution forfeiture can not extend beyond the life of the guilty participant, and therefore these annuities should be restored, not in part, but in whole.

The following is a letter from General Sibley in relation to these people:

ST. PAUL, MINN., *January 13, 1873.*

DEAR SIR: I have examined with some care the printed statement submitted to me having reference to the claims of the Sisseton and Wahpeton bands of Sioux upon the Government who were deprived of their annuities for alleged participation in the outbreak of 1862-63 by the act of Congress, and can attest its general correctness. While some of the young men were doubtless guilty of complicity in that fearful onslaught upon the frontier settlers in Minnesota, Iowa, and Dakota Territory, I have the best reason for knowing that as a general rule the chiefs and headmen of these divisions not only had no sympathy with those of their kindred who took part in the massacre, but exerted themselves to save the lives of the whites then in the country and joined the forces under my command as scouts, and rendered signal and faithful service in my campaign against the hostile Sioux, and subsequently in guarding the passes to the settlements against raiding parties of their own people.

I have always regarded the sweeping act of confiscation referred to as grossly unjust to the many who remained faithful to the Government, and whose lives were threatened and their property destroyed as a result of that fidelity.

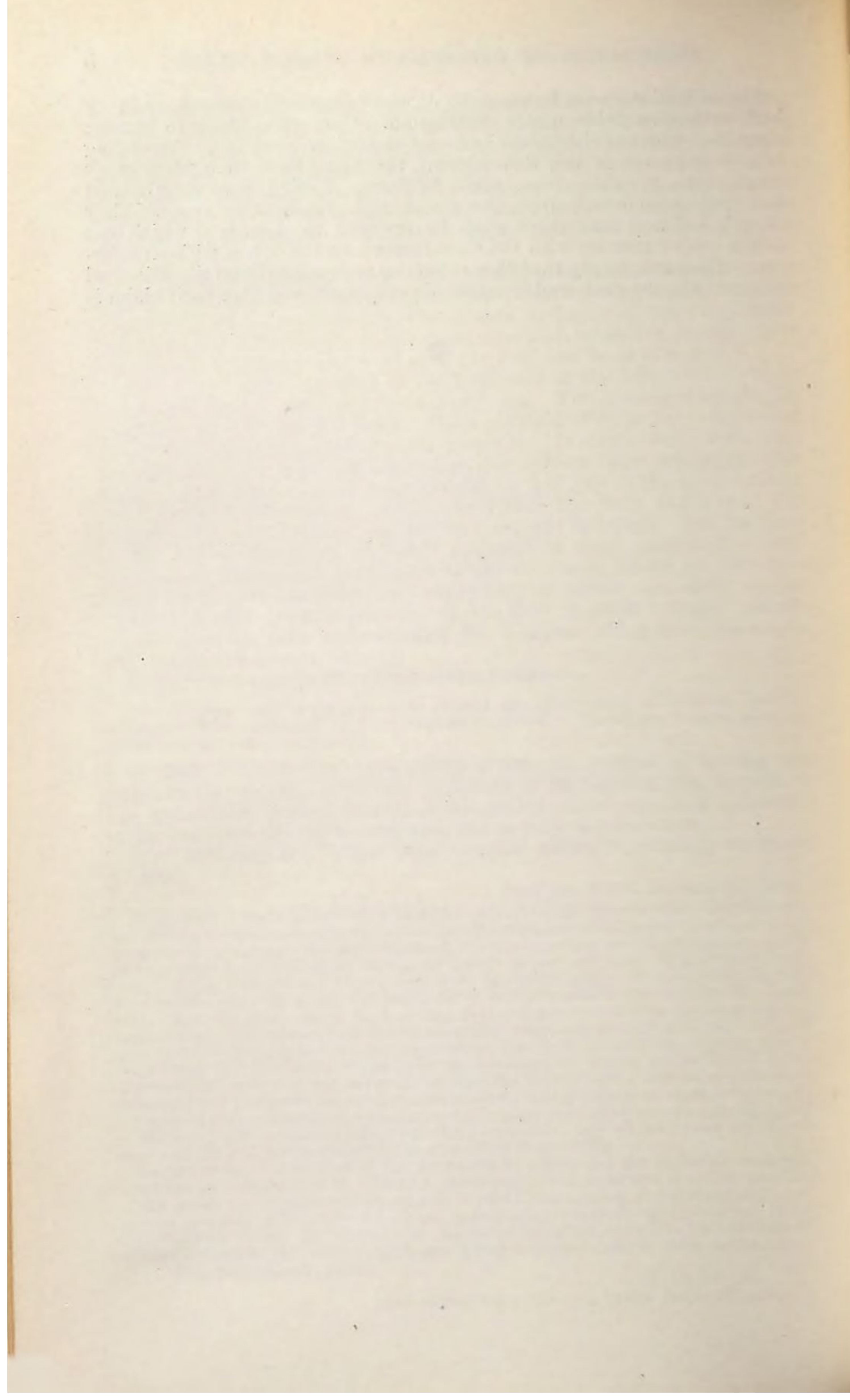
Having been in command of the forces which suppressed the outbreak and punished the participators in it, I became, necessarily, well informed as to the conduct of the bands and the individuals who took part for or against the Government during the progress of the war, and I have repeatedly, in my official dispatches, called the attention of the Government to the great injustice done the former class by including them in the former legislation which deprived them of their annuities.

Very respectfully, yours,

H. H. SIBLEY,
Late Brevet Major-General, United States Volunteers.

These Indians were living upon a reservation in Minnesota, and they had extensive fields under cultivation. They were living in houses; they had adopted the habits and customs of civilized life. According to the estimate of the Government, the Army took from them crops nearly ripe, growing crops, worth \$120,000. Their houses were burned and they were driven upon the plains and remained for years. They simply ask now that there shall be restored to them that which was theirs under treaties with the Government, and that, too, without interest. They ask simply that there shall be restored to them the principal without the interest, and it seems to your committee that their claim is just.





ADDITIONAL REGIMENTS OF ARTILLERY.

FEBRUARY 21, 1898.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 2640.]

The Committee on Military Affairs, to whom was referred the bill (S. 2640) to authorize two additional regiments of artillery, having had the same under consideration, return it to the Senate with a favorable recommendation.

The speedy passage of this bill, or its equivalent, appears to be an absolute necessity. The Government, after long and careful consideration by those whose offices and studies qualify them to give the most valuable advice, has entered upon the execution of a systematic and elaborate plan of coast defense. The progress therein is indicated in extracts from the last annual report of Gen. John M. Wilson, Chief of Engineers, Appendix A.

Existing contracts call for the emplacement and mounting, on or before June 30, 1898—now rapidly approaching—of 139 modern high-power steel guns, ranging in caliber from 8 to 12 inches; 12 of 5-inch caliber, 4 6-pounders, and 232 12-inch mortars, a total of 387.

These are to be scattered, according to the best judgment of the engineers and ordnance officers, from Maine to Puget Sound, having careful regard to the relative importance of the positions to be defended.

The great expenditure will be wasted treasure unless a sufficient number of artillerymen, carefully selected and thoroughly drilled, be assigned to the care and use of these costly instruments of defense. As the works are from week to week completed, the utmost the general commanding can do (see Appendix C) is to detail a few care takers to each station. The weights, calibers, lengths of the guns and mortars, the weights of powder charges and projectiles, their probable extreme ranges and energies, are given in Appendix I.

With the aid of the actives of the National Guard, and those who have been discharged therefrom after years of instruction, effective cavalry and infantry could be collected in a comparatively short time; but in case of war short notice would be given to the men in charge of the great guns on the coast, whose costly machinery requires much

mechanical skill and practice. Men fit to be trusted to run great engines on our railroads, or even the ordinary steamers of rivers and lakes, can not be called into service at a day's or a month's notice. To handle, but especially to fire with precision, the new guns requires the highest class of skilled labor.

In Appendix D will be found a careful estimate of the annual additional expenditure required to maintain the two regiments—\$530,054.50. But some months will expire before the regiments can be fully enlisted and organized, and while the scale of the first year, with its entire equipment, will be very considerably greater than that of average subsequent years, it is believed that \$450,000, possibly less, will suffice for the fiscal year 1899.

It is scarcely worth while to enlarge upon the wisdom of establishing the defenses of our very extended coast. Successive Congresses have vigorously and liberally asserted it.

In the Appendix will be found communications from the Acting Secretary of War, the Major-General commanding the Army, the Chief of Engineers, and the Chief of Ordnance, to which, as well as to their annual reports, attention is invited.

The early passage of the bill is most earnestly recommended.

APPENDIX A.

WAR DEPARTMENT,
Washington, January 8, 1898.

SIR: In response to your letter of the 13th ultimo, inclosing copy of Senate bill 2640, "to authorize two additional regiments of artillery," I have the honor to transmit, as requested, the views of the Commanding General of the Army, the Chief of Engineers, and the Chief of Ordnance as to the necessity of the action proposed.

I fully concur in the views expressed by these officers. The legislation proposed is of great importance, and the need is urgent for a sufficient force to care for the intricate, massive, and expensive armaments in place and being erected at our sea-coast fortifications.

Infantry and cavalry can be recruited at any time, and while raw recruits are not as proficient as troops which have been drilled and have had experience in the field, they can, in these two arms of the service, soon become capable and efficient.

In the artillery service the conditions are different, and the elements can not be learned otherwise than by actual service. The operating of the engines and machinery necessary to the handling of large guns requires mechanical and technical knowledge that can be acquired only by experience, and daily practice is therefore as necessary for the artilleryman, in order that he may attain proficiency, as it is for the men who handle the ponderous engines and machinery used in great manufacturing establishments where skillful services are required.

Very respectfully,

G. D. MEIKLEJOHN,
Acting Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

APPENDIX B.

HEADQUARTERS OF THE ARMY,
Washington, D. C., December 17, 1897.

SIR: In reply to the request of the 13th instant of the Hon. J. R. Hawley, for a memorandum showing my views on Senate bill No. 2640, introduced by him on the 8th instant, I have the honor to transmit herewith the inclosed memorandum.

Very respectfully,

NELSON A. MILES,
Major-General Commanding.

The SECRETARY OF WAR.

APPENDIX C.

HEADQUARTERS OF THE ARMY,
Washington, D. C., December 17, 1897.

Memorandum by Maj. Gen. N. A. Miles, commanding United States Army.

The need for the increase of the artillery is pressing, due to the fact that emplacements have been completed and guns either mounted or about to be mounted at the following points:

Portland Head, Portland, Me.
Great Diamond Island, Portland, Me.
Fort Constitution, Portsmouth, N. H.
Grovers Cliff, Boston Harbor.
Paddocks Island, Boston Harbor.
Long Island Head, Boston Harbor.
Dutch Island, Narragansett Bay.
Great Gull Island, eastern entrance to Long Island Sound.
Plum Island, eastern entrance to Long Island Sound.
Fort Hancock, New York Harbor.
Finns Point, approach to Philadelphia.
North Point, approach to Baltimore.
Hawkins Point, approach to Baltimore.
Fort Washington and Sheridan Point, approach to Washington, D. C.
Fort Caswell, Wilmington, N. C.
Fort Moultrie, S. C.
Tybee Island, Savannah.
Fort Morgan, Mobile.
Fort St. Philip, New Orleans.
Fort Point, Galveston, Tex.
Ballast Point, San Diego, Cal.
Fort Baker, San Francisco Harbor.
Fort Stevens, Columbia River, Washington.
Marrowstone Point, Admiralty Head, Puget Sound.

At five of these positions, from which the Engineer Department desired to withdraw its workmen, sufficient artillerymen have been sent as actual caretakers of the armament, i. e., to save this expensive material from deterioration; and this policy it is proposed to continue as the new positions are completed until the five regiments are exhausted, with the hope that Congress would at this session provide the two additional regiments asked for to garrison the remaining positions as the Engineer Department completes the work.

It seems needless to say that this policy of furnishing absolute caretakers only can not produce efficiency, but it is all that can be done with the small force of artillery divided among so many artillery positions.

Modern artillery, with its delicate, massive, and complicated machinery and appliances, requires constant and experienced care to preserve all in serviceable condition, as well as to study modern practice with modern methods and appliances to insure accurate and effective fire from our coast defenses.

My hope is that by the time the approved armament for our coasts approaches actual completion the Army will have a force of artillery commensurate with the needs of the defenses, but for the present I ask only for the two additional regiments called for in Senate bill No. 2640. By reducing the number of lieutenants in all batteries from three to two, the personnel of the two new regiments will require only an addition to the Army of 21 officers (second lieutenants) and 1,610 enlisted men.

Respectfully submitted.

NELSON A. MILES,
Major-General Commanding.

APPENDIX D.

THE LATEST STATEMENT.

WASHINGTON, D. C., February 21, 1898.

MY DEAR SENATOR: Referring to our conversation this morning, I have the honor to state that batteries have been placed in position in new fortifications at Portland Head, Maine; Grovers Cliff, Boston Harbor; Fort Hancock; approach to Philadelphia; approaches to Washington; coast of North Carolina; Charleston Harbor;

Mobile, Ala.; Galveston, Tex.; Fort Baker, Cal.; Fort Point, Cal.; and Fort Stevens, Oreg.

Batteries will also be placed within a few months on new fortifications at Great Diamond Island, Portland, Me.; Fort Constitution, Portsmouth, N. H.; Long Island Head, Boston Harbor; Dutch Island, Narragansett Bay, Rhode Island; eastern entrance to Long Island Sound, New York; Delaware City, Del.; approaches to Baltimore; approaches to Washington; approach to Savannah, Ga.; New Orleans, La.; San Diego, Cal.; entrance to Puget Sound, Washington, making in all 26 new sea-coast fortifications for the defense of the great cities of the Atlantic, Gulf, and Pacific coasts, where fortifications have been and are being erected and where artillery is required to protect and man these batteries. We are sending small detachments of men to keep them in fair condition and protect the ammunition, but these are not sufficient to man said batteries, and hence the necessity for two additional regiments of artillery is imperative and requires immediate action.

Very sincerely, yours,

NELSON A. MILES,
Major-General, U. S. A.

Hon. JOSEPH R. HAWLEY,
United States Senate.

APPENDIX E.

Cost of two additional regiments of artillery.

HEADQUARTERS OF THE ARMY,
Washington, D. C., February 14, 1898.

The artillery was defectively organized in this, that it allowed two first lieutenants to each battery, which is not regarded as necessary, and has occasioned the very slow promotion in the service for the last thirty years.

A more efficient organization would be one first lieutenant to each battery, and it was so recommended and so embraced in the bill introduced by Hon. Senator Hawley. This would give seven regiments of artillery, and would increase the number of artillery soldiers by 1,610, but it would only increase the number of officers of artillery 21. It would make a more perfect system and a better organization.

The following will give the detailed increase of appropriation:

2 colonels, at \$4,500	\$9, 000
2 lieutenant-colonels, at \$4,000	8, 500
6 majors, at \$3,500	21, 000
4 captains, at \$2,800 (light batteries)	11, 200
20 captains, at \$2,520	50, 400
19 second lieutenants, at \$1,400	26, 600
Increase for officers	126, 200
DECREASE.	
6 first lieutenants, at \$1,920	11, 520
26 first lieutenants, at \$1,800	46, 800
Decrease for officers	58, 320
Total increase for officers	67, 880

ENLISTED MEN.

Pay for the 1,610 men	\$276, 012. 00
Clothing for 1,610 men	92, 138. 50
Rations for one year for 1,610 men	94, 024. 00
Total	462, 174. 50

The cost of rations was figured at 16 cents per day, and the cost of clothing figured at the rate of \$57.85 per annum, which is the allowance for the first year of enlistment, which is largely in excess of any other year's allowance.

Total increase for officers and men for two regiments of artillery, light batteries at 75 men each and foot batteries at 65 men each, \$530,054.50.

It will be noted that this estimate assumes that the 1,610 men to constitute the enlisted strength of the two additional regiments of artillery will all have been enlisted, and their pay and allowances of clothing and rations commenced, on July 1. It goes without saying that such can not possibly be the case. The promotions of officers can be made, and the additional second lieutenants already in service can be assigned to batteries, and the additional cost due to the promotions will indeed have

commenced on that day; but it will certainly be two or three months before the batteries can be fully organized and the total additional increase shall have commenced.

APPENDIX F.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, December 17, 1897.

DEAR SIR: Complying with the request contained in your letter of the 13th instant to the Secretary of War, asking a statement from the Chief of Engineers of the necessity for an increase in the artillery branch of the United States Army, I have the honor to report that the approved projects for the defense of the principal sea-ports of the United States contemplate the mounting of 2,093 modern guns and mortars of all calibers at 104 localities in 27 harbors. Congress has already made provision for 527 of these guns and mortars at 40 localities in 22 harbors.

In order to keep these batteries in proper condition for service and to serve them so they may truly be considered elements of defense, it is of vital importance that a suitable number of well-trained and intelligent artillerymen should be available.

At each of the localities where modern emplacements have been erected artillery troops will be required, and in my judgment they should be sufficient in number to be prepared at any time to intelligently manipulate these heavy engines of war, and for this purpose I deem it eminently necessary that the artillery branch of the service should be increased at the earliest practicable date, at least to the extent indicated in Senate bill No. 2640 of the second session.

I beg you to bear in mind the suggestion of the Secretary of War that the manipulation of these heavy modern guns, with the machinery necessary for the various batteries, is a matter requiring constant drill and long experience. Unlike the infantry, which history has shown us can, in an emergency, be placed in the field and made efficient within a reasonable period, the artillerists, in order to properly manipulate the splendid guns provided by the Ordnance Department, should have years of experience and daily practice.

Very respectfully,

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, United States Army.

Hon. JOSEPH R. HAWLEY,
United States Senate.

APPENDIX G.

Extracts from the annual report of Gen. John M. Wilson, Chief of Engineers.

FORTIFICATIONS.

The system of seacoast defenses now in progress of construction is based upon the report of the Board on Fortifications and other Defenses appointed by the President under the provisions of the act of March 3, 1885. The report of this board, generally known as the Endicott Board, was published in 1886.

Under instructions from the Chief of Engineers, dated March 29, 1887, the Board of Engineers undertook the study and preparation of detailed projects for the artillery and submarine-mine defense of the principal sea and lake ports of the United States. Up to the present time projects have been prepared and have received the approval of the Secretary of War for the following ports, viz: Penobscot River, Maine; Kennebec River, Maine; Portland, Me.; Portsmouth, N. H.; Boston, Mass.; New Bedford, Mass.; Narragansett Bay, Rhode Island; eastern entrance to Long Island Sound; New York, N. Y.; Philadelphia, Pa.; Baltimore, Md.; Washington, D. C.; Hampton Roads, Va.; Wilmington, N. C.; Charleston, S. C.; Savannah, Ga.; Key West, Fla.; Pensacola, Fla.; Mobile, Ala.; New Orleans, La.; Galveston, Tex.; San Diego, Cal.; San Francisco, Cal.; mouth of Columbia River, Washington and Oregon; Puget Sound, Washington; Lake Champlain, New York. Projects for the defense of other ports are still under consideration. * * *

New works.—Since the inauguration of the modern system of coast defenses Congress has made appropriations for the construction of gun and mortar batteries as follows:

Act of—		Act of—	
August 18, 1890	\$1,221,000	March 2, 1895	\$500,000
February 24, 1891	750,000	June 6, 1896	2,400,000
July 23, 1892	500,000	March 3, 1897	3,841,333
February 18, 1893	50,000		
August 1, 1894	500,000	Total	9,762,333

The aggregate of all appropriations prior to the act of June 6, 1896, amounts to \$3,521,000. The acts of June 6, 1896, and March 3, 1897, appropriated, together, \$6,241,333, or nearly double the amount of all previous appropriations. As a result of the liberal appropriations made by the last two fortification acts, a most gratifying advance has been made in the number of new emplacements, as is evident from the following table:

Emplacements provided for.

	12-inch.			10-inch.			8-inch F. p. disappearing.	5-inch rapid-fire.	6-pounder rapid-fire.	12-inch mortars.
	Lift.	F. p. disappearing.	Nondisap. peering.	C. p. disappearing.	F. p. disappearing.	Nondisap. peering.				
Under earlier appropriations.....	2	.....	6	.....	21	.....	7	.....	2	80
Under the acts of June 6, 1896, and March 3, 1897.....	.....	12	4	1	56	4	26	12	2	152
Total.....	2	12	10	1	77	4	33	12	4	232

During the fiscal year 1897 the construction of modern defenses was begun at eleven new ports, making twenty-two ports in all where work is now in progress.

The act of June 6, 1896, provided "That contracts may be entered into, under the direction of the Secretary of War, for materials and work for construction of fortifications, to be paid for as appropriations may from time to time be made by law, to an additional sum in the aggregate not to exceed two million five hundred thousand dollars."

Under this authority contracts were entered into during the fiscal year for constructing the following emplacements:

12-inch.	10-inch.	8-inch.	5-inch rapid-fire.	12-inch mortars.
7	28	17	2	24

With the available balance it is proposed to contract for one additional 10-inch emplacement and for sixteen 12-inch mortar emplacements.

The act of March 3, 1897, appropriated \$2,500,000 to meet contracts authorized under the act of June 6, 1896.

The twenty-two ports where modern defenses are under construction comprise all the more important localities. The remaining ports for which modern defenses are contemplated are, with the exception of the lake ports, of minor importance and will not require a very extensive or costly armament.

Considering only the twenty-two ports where work is in progress, the emplacements already provided bear the following proportions to the total numbers of emplacements of the different calibers required under the approved projects for these ports:

- 12-inch emplacements, about one-eighth.
- 10-inch emplacements, about one-half.
- 8-inch emplacements, over one-third.
- 12-inch mortars, about one-fourth.
- Rapid-fire guns, about one-fifteenth.

The relatively greater progress made in the 10-inch and 8-inch emplacements is due to the fact that the Ordnance Department has been able to supply the carriages for these in greater numbers. No 12-inch disappearing carriages or rapid-fire guns have yet been issued, although a limited number of each are now in process of manufacture. An increase in the number of 12-inch and of rapid-fire emplacements, particularly the latter, is at present the most urgent need of our seacoast defenses. Rapid-fire guns, by reason of their relatively great power and their rapidity of fire, constitute a highly important element in coast defense. Their emplacements are comparatively inexpensive and can be rapidly constructed whenever the guns and carriages are available for issue.

PROGRESS OF THE WORK.

The following statement shows the condition of the various emplacements at the close of the fiscal year. The emplacements reported as completed are in readiness for their armament and to be used, although in some cases incomplete in nonessential details:

- 12-inch guns on lifts (number, 2):
 - 2 guns mounted.
 - 12-inch guns on disappearing carriages (number, 12):
 - 6 ready for armament.
 - 4 to be completed June 30, 1898.
 - 2 to be completed July 30, 1898.
 - 12-inch guns on nondisappearing carriages (number, 10):
 - 8 guns mounted.
 - 2 to be completed June 30, 1898.
 - 10-inch guns on disappearing carriages (number, 78):
 - 34 guns mounted.
 - 37 ready for armament.
 - 7 to be completed June 30, 1898.
 - 10-inch guns on nondisappearing carriages (number, 4):
 - 4 to be completed June 30, 1898.
 - 8-inch guns on disappearing carriages (number, 33):
 - 11 guns mounted;
 - 13 ready for armament;
 - 1 to be completed February 28, 1898;
 - 6 to be completed June 30, 1898;
 - 2 to be completed December 31, 1898.
 - 12-inch mortars (number, 232):
 - 73 mortars mounted;
 - 53 carriages mounted, additional;
 - 48 ready for armament;
 - 58 to be completed June 30, 1898.
 - 5-inch rapid-fire guns (number, 13):
 - 5 ready for armament;
 - 8 to be completed June 30, 1898.
 - 6-pounder rapid-fire guns (number, 4):
 - 4 ready for armament.
- Corrected up to February 19, 1898.

APPENDIX H.

OFFICE OF THE CHIEF OF ORDNANCE, UNITED STATES ARMY,
Washington, December 24, 1897.

SIR: I have the honor to return herewith Senate bill 2640, for adding two regiments of artillery to the Army.

The proper care and preservation of our new coast defenses and their armament require this addition to the artillery arm of our service, and *before the two regiments proposed could be enlisted and organized*, I believe our new coast defenses and their armament will have so far progressed that *the proposed increase to our artillery force will have become absolutely necessary*; and therefore I earnestly recommend the passage of a bill to provide at the present time for two additional regiments of artillery.

In this connection, however, I have deemed it my duty to report to you on the subject of the artillery force that, in my judgment, will be required when the whole armament of twenty-seven principal ports and Puget Sound shall be completed, and to give my views, or some suggestions, in regard to how this force could be provided most economically on both a peace footing and a war footing.

Although the necessity for immediate action on the inclosed bill may prevent Congress from enacting a law now which would provide for the whole defense in the future, I think it would be desirable to consider the subject at the present time in connection with this bill.¹

Very respectfully,

D. W. FLAGLER,
Brigadier-General, Chief of Ordnance.

The SECRETARY OF WAR.

¹ The elaborate and able paper relating to the necessities for the completion of the grand plan of the Board of Ordnance and Fortifications, prepared by General Flagler, is not essential to the purposes or policy of the bill in question, and will be published later.

APPENDIX I.

United States Army cannon, 1898.

Guns and mortars.	Ex- treme length.	Length of bore.	Weight of gun.	Weight of charge.	Weight of pro- jectile.	Prob- able ex- treme range (45°). ^a	Muzzle energy.	Pene- tration in steel plates.
	<i>Feet.</i>	<i>Calibers.</i>		<i>Pounds.</i>	<i>Pounds.</i>	<i>Miles.</i>	<i>Ft. tons.</i>	<i>Inches.</i>
16-inch rifle.....	49.2	35	126 tons.....	1,160	2,370	16	72,300	36.9
12-inch rifle.....	36.7	34	52 tons.....	520	1,000	14	32,043	25.8
10-inch rifle.....	30.6	34	30 tons.....	280	575	12.5	28,426	21.1
8-inch rifle.....	32.2	32	14.5 tons.....	135	300	10	16,345	16.8
7-inch howitzer.....	8.5	13	3,710 pounds..	10.5	105	.....	961	3.8
7-inch mortar.....	4.9	7	1,715 pounds..	6	125	2.5	425	2.3
6-inch rapid-fire gun.....	32.2	45	15,600 pounds..	b 25	125	.....	4,333	.....
5-inch rapid-fire gun.....	19.2	45	7,500 pounds..	b 12.5	55	.....	.....	.....
5-inch siege rifle.....	12.2	27	3,660 pounds..	13.0	45	.....	1,045	6.2
3.6-inch field rifle.....	7.8	23.5	1,181 pounds..	4.5	20	.....	333	3.9
3.6-inch field mortar.....	2.1	5.3	244 pounds....	c 15	20	2	59	1.1
3.2-inch field mortar.....	7.3	25.2	794 pounds....	3.5	13.5	5	266	3.8
12-inch mortar, cast iron.	10.75	9	14.25 tons.....	75	{ 800 1,000 }	6	5,770	8.2
12-inch mortar, steel.....	11.76	10	13.0 tons.....	105	{ 800 1,000 }	7.5	7,334	9.7

^aThe probable extreme range is of course much greater than the range that the carriage will admit of, except for the mortars.

^bSmokeless powder.

^cOunces.

Appropriations made since 1888 to carry out the recommendations of the Endicott Board, i. e., to procure guns, mortars, carriages, emplacements, and submarine defenses.

Acts.	100 of 8- inch, 10- inch, and 12-inch guns under contract.	Gun car- riages.	Mortars.	Mortar carriages.	Forgings.	Finishing and as- sembling.	Totals by years.
March 2, 1895, and prior years.....	^a \$200,242	.....	.....	.....	.....	.....	\$200,242
September 22, 1888.....	.....	.....	\$250,000	.....	\$1,500,000	.....	1,750,000
March 2, 1889.....	.....	.....	.....	\$100,000	.....	\$35,000	135,000
August 18, 1890.....	.....	.....	400,000	225,000	.....	70,000	695,000
February 24, 1891.....	.....	100,000	.....	.....	800,000	70,000	970,000
July 23, 1892.....	.....	300,000	100,000	200,000	800,000	125,000	1,525,000
February 18, 1893.....	.....	200,000	.....	100,000	600,000	175,000	1,075,000
August 1, 1894.....	.....	100,000	.....	.....	250,000	175,000	525,000
March 2, 1895.....	.....	100,000	.....	.....	200,000	225,000	525,000
June 6, 1896.....	650,000	750,000	300,000	200,000	650,000	343,168	2,893,168
March 3, 1897.....	400,000	810,500	1,278,000	521,464	1,113,701	204,092	4,327,757
Total.....	1,250,242	2,360,500	2,328,000	1,346,464	5,913,701	1,422,260	14,621,167

^aThis sum of \$200,242 does not appear in the printed statement herewith, which the Appropriation Committee states was furnished it during the first session of the last Congress.

D. W. FLAGLER,
Brigadier-General, Chief of Ordnance.

Grand total of expenditures for sites, fortifications, and armaments.

Armament of fortifications up to February 12, 1897.....	\$12,153,297
By act approved March 3, 1897.....	4,327,757
Construction of fortifications and sites up to February 12, 1897.....	10,482,475
By act approved March 3, 1897.....	4,141,331
Total.....	31,104,860

CIVIL GOVERNMENT FOR ALASKA.

FEBRUARY 21, 1898.—Ordered to be printed.

Mr. CARTER, from the Committee on Territories, submitted the following

REPORT.

[To accompany S. 3729.]

At present the only government in Alaska consists of the governor, who has no revenue at his disposal, nor has he any power or authority to raise revenue. His duties under existing law seem to consist in making an annual report of the condition of affairs in the district.

One court exists, the judge whereof resides at Sitka, which is located on an island in the North Pacific Ocean. Certain commissioners have been appointed by the President and distributed over the district, but their powers are limited. In addition to the governor, the courts, and the commissioners, the law has provided for a United States marshal and certain deputy marshals. The government as at present constituted is remote from the growing settlements in the interior of the country and is ill adapted to present and prospective requirements. It is the purpose of the scheme of government presented in the bill to promptly meet the growing demands of the country for an efficient administration of the law and to provide proper safeguards for the recognition and establishment of titles.

The powers of the governor are not materially increased. The only change with reference to his office is embodied in the provision authorizing him, with the approval of the Secretary of the Interior, to advertise for bids and enter into a contract for the care and custody of the insane. The burden of administering the law is cast upon the courts, the commissioners, and the United States marshal and his deputies. No effort has been made to divide Alaska into three districts. One district is maintained, but the court having jurisdiction over it is divided into three divisions. Each division of the court has complete jurisdiction over the entire district, but liberal provision is made for the transfer of causes from one place or division to another, where the ends of justice or the convenience of parties may demand.

The want of definite and well-established surveyed lines rendered the division of the Territory into three districts quite impracticable. With vague and indefinite district lines serious difficulties would be encountered on jurisdictional questions.

Salaries will be paid only to the governor, the judges, the clerks of the court, the United States marshal, and the three chief deputies and the three United States attorneys provided for in the bill, the United States commissioners and the deputy marshals to be compensated by fees. The purpose of departing from the salary system as to the commissioners and deputy marshals arises from the desire to leave the courts in position to quickly respond to the demand of any new settlement for the presence of a commissioner and a deputy marshal. The commissioner will not only discharge, according to the bill, the ordinary duties of a United States commissioner, but will likewise be *ex officio* justice of the peace, and will be vested with jurisdiction in probate matters and likewise authorized to grant writs of habeas corpus returnable before the district judge. If the salary system had been adhered to, the judges could not appoint the commissioners until Congress had appropriated money to pay their salaries and expenses. The delay which would thus occur would seriously impair the efficiency of the system and leave new communities without any representative of the law for periods ranging from three months to an indefinite time.

The chief deputy marshals are authorized by the bill, in the absence of the marshal, to appoint such deputy marshals as the court may request. This provision is made because of the well-known fact that according to present means of travel the court located at Circle City or St. Michaels could not communicate with the marshal at Sitka for many months during each year.

Section 5546 of the Revised Statutes, made applicable to the District, authorizes the Attorney-General to provide suitable jail or penitentiary accommodations outside of the District for prisoners where such do not exist within the District.

Section 15 of the act of June 18, 1878, which the amendment specially provides shall not apply to Alaska, provides that it shall not be lawful to employ any part of the Army of the United States as a posse comitatus or otherwise in certain contingencies likely to arise in Alaska. It is believed that since the officers commanding in the Yukon and St. Michaels region can not be promptly reached by the President by telegraphic or other communication at certain seasons of the year, they should be subject to general instructions from the Chief Executive directing them to aid the courts in maintaining order and in executing process. The objection which obtains to such free use of the Army in the States will not apply in Alaska, where the jurisdiction of the United States Government is supreme.

The last amendment, providing that officers now duly qualified and actually discharging duties in the District shall continue under existing law to discharge such duties until their successors shall be appointed and qualified, is intended to cover cases where the officers will continue to perform their duties for many months before it will be possible to advise them of any change in the law. It is desirable that the acts which they perform in good faith should be valid and that they should receive their compensation.

It will be observed that the bill gives liberal and quite unusual authority to the court in making allowances for necessary expenses, including the construction of jails and court rooms under certain conditions. The latitude thus allowed has been deemed by the committee indispensable in view of the fact that applications can not be made to the Department of Justice with the promptness essential to enable the Attorney-General to consider proposed expenditures and approve the

same if found needful in season to allow the business of the court to proceed with reasonable promptness.

The salaries of the judges are fixed at \$6,000 per annum. This figure was by the committee approved upon the theory that the harshness of the climate, the onerous character of the duties to be performed, and the very great responsibility cast upon the judges will demand the services of vigorous lawyers of unusual discretion and unquestionable ability. The character and talent required for the discharge of the duties under the conditions could not in the opinion of the committee be commanded for less salary than that designated in the bill.

It is confidently believed by the committee that the system of government and administration of the law provided will be found sufficiently vigorous and elastic to meet any emergency that may arise in the district until other provision can be made by Congress. It was not deemed wise to provide for a local legislature or a delegate in Congress for the present. The great expense and the many obvious difficulties which would be encountered in attempting to hold a general election in the district under present and prospective conditions seem to forbid any effort in that direction.

It will be observed that the bill provides for the establishment of recording divisions and recording districts in a manner which it is believed will result in the establishment of order through a practicable system of official records.

The committee recommends that the bill do pass with the following amendments, to wit:

At the end of line 10, page 4, insert a comma (,) instead of a period (.), and the words "by the President."

After the word "expedient" in line 31, page 4, insert the words "or as the Attorney-General may direct."

After the word "court" in line 39, page 5, insert the letter "s."

After the word "trial," line 44, page 5, insert the words "in any action, civil or criminal." In same line strike out the words "of said" and insert in lieu thereof the words "place or" and strike out the letter "s" at the end of said line.

In line 57, page 6, before the word "division" insert the words "place or."

In line 60, said page 6, before the word "division" insert the words "place or."

In line 65, page 6, strike out the words "to another division thereof."

In lines 3 and 4, section 4, page 6, strike out the words "commissioners of the" and "circuit courts" and insert after the words "United States" in said line 4 the word "commissioners."

In line 17, page 10, section 6, substitute a comma (,) for period (.), and insert after the word "district" the following: "and he shall be responsible on his official bond for the acts of said chief deputies and all deputy marshals appointed in said district."

In line 30, same section and page, before the word "prisoners" strike out the word "other."

After the word "removed," section 7, page 11, line 14, substitute comma (,) for period (.), and insert the words—

and the person thus appointed shall be entitled to all the fees and emoluments of the office instead of the clerk while acting as such, and he shall give such bond as the court may require.

After the word "annum," line 24, page 11, section 7, insert the words "and fees and commissions as hereinafter provided."

In line 33, page 12, section 7, strike out the words "two thousand" and insert in lieu thereof the words "twelve hundred."

After the word "commissioner," line 43, said page 12, section 7, insert the letter "s."

After the word "marshals," at the end of line 48, said page and section, insert the words "for similar services."

In line 71, page 13, strike out the word "clerk" and insert in lieu thereof the words "court or a judge thereof."

In section 8, page 14, line 9, after the word "jail" insert the words "or jails."

In line 11, said page, strike out the word "two" and insert in lieu thereof the word "three."

In line 30, said page and section, after the word "rental" insert the words "at the place or places where terms of said court are held."

In line 32, page 15, same section, after the word "building" insert the words "or buildings."

In line 34, said page 15, strike out the word "three" and insert in lieu thereof the word "five."

At the end of line 36, said page 15, substitute comma (,) for period (.) and insert the words—

Provided, That not to exceed three court buildings and three jails shall be constructed in any division of said district without authority from the Attorney-General.

After the word "for" in line 8, section 14, page 22, substitute comma (,) for period (.) and insert the words—

or as provided in section fifty-five hundred and forty-six of the Revised Statutes of the United States: *Provided*, That section fifteen of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes," approved June eighteenth, eighteen hundred and seventy-eight, shall not be construed to apply to said District of Alaska.

After the word "repealed," line 2, section 15, page 22, substitute comma (,) for period (.) and insert—

Provided, That the officers properly qualified and actually discharging official duties in said district at the time of the approval of this act may continue to act in their respective official capacities under existing law until their successors shall be duly appointed and qualified under and in conformity with the provisions of this act.

EDWARD SIMONTON.

FEBRUARY 23, 1898.—Ordered to be printed.

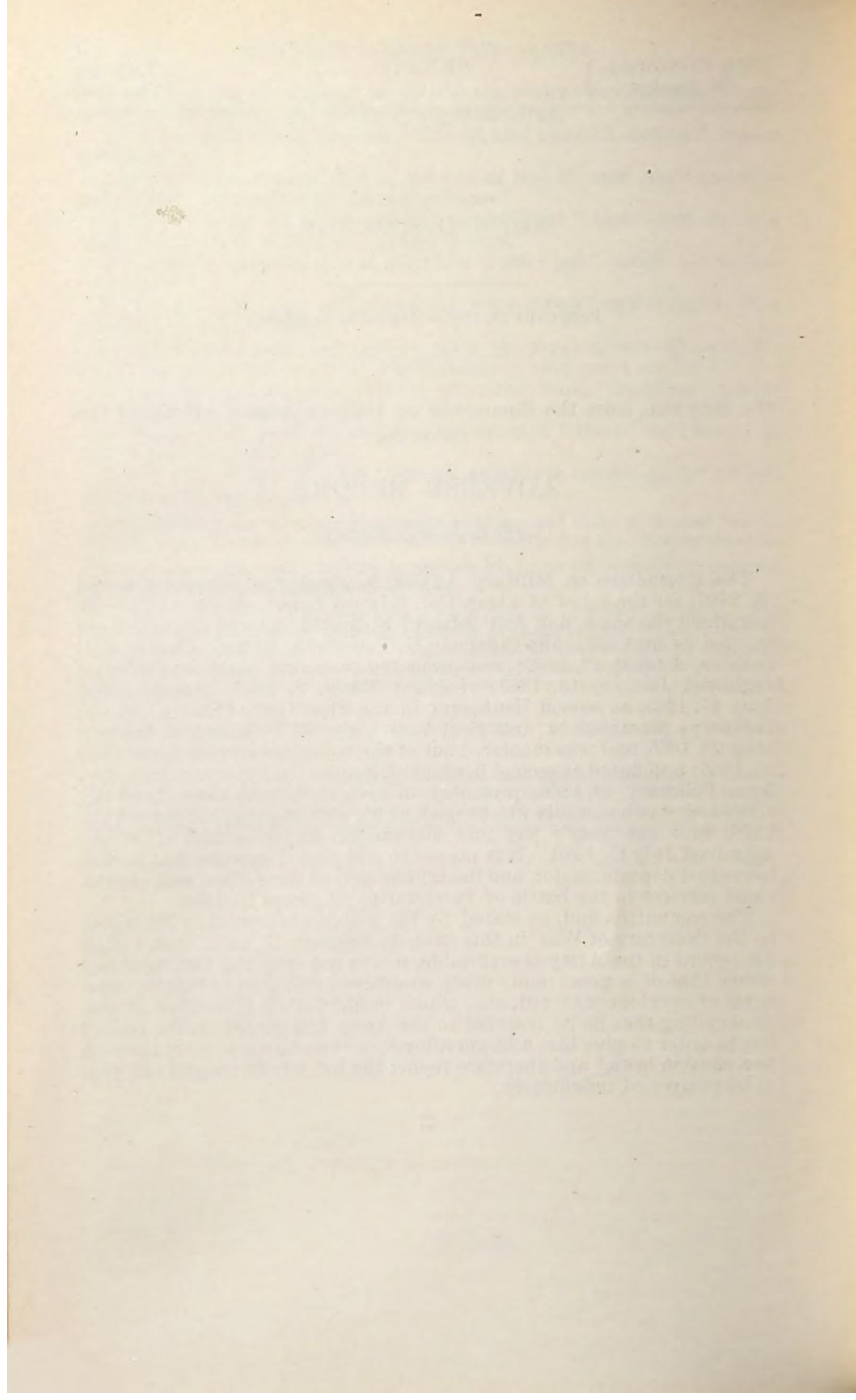
Mr. SEWELL, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 2797.]

The Committee on Military Affairs, to whom was referred the bill (S. 2797) for the relief of Lieut. Col. Edward Simonton, have carefully examined the same, and find Edward Simonton entered the volunteer service as first sergeant Company G, Twentieth Maine Infantry Volunteers, August 29, 1862; was promoted to second lieutenant in same regiment January 13, 1863; resigned March 3, 1863; commissioned July 27, 1863, as second lieutenant in the First United States Colored Infantry; promoted to first lieutenant July 25, 1864, and to captain May 28, 1865, and was mustered out of the volunteer service September 20, 1865; appointed as second lieutenant, Fourth United States Infantry, from February 23, 1866; promoted to first lieutenant from April 21, 1866, and was honorably discharged, at his own request, September 20, 1870, with one year's pay and allowances, under section 3 of act approved July 15, 1870. It is proper to add that it appears that he was brevetted captain, major, and lieutenant-colonel for gallant and meritorious services in the battle of Petersburg, Va., June 15, 1864.

The committee find, as stated by the Adjutant-General in his report to the Secretary of War in this case, on January 17, 1898, that "while his record in the Army is creditable, it was not specially distinguished above that of a great many other ex-officers, either as to length, character of services rendered, etc., which would justify this office in recommending that he be restored to the Army and placed on the retired list in order to give him a larger allowance than he can receive through the pension laws," and therefore report the bill adversely and ask that it be postponed indefinitely.



VIRGINIA I. MULLAN.

FEBRUARY 23, 1898.—Ordered to be printed.

Mr. STEWART, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 2773.]

The Committee on Claims, to whom was referred the bill (S. 2773) for the relief of Virginia I. Mullan, of Annapolis, Md., having duly considered the same, submit the following report:

The claim recited in this bill is a deficiency for the fiscal year ending June 30, 1857, and is for the payment of certain coupons pertaining to four bonds, all specifically described therein. These four bonds, together with all the coupons pertaining thereto, representing interest earned thereon from the date of the issuance of each thereof, respectively, to the date of their redemption, which in this case was September 1, 1856, were authorized to be paid by the Secretary of War, under section 8 of the act of Congress approved August 18, 1856 (11 U. S. Stats., 91), which section is as follows:

SEC. 8. That the Secretary of War is hereby authorized and directed to pay to the holders of the war bonds of the State of California the amount of money appropriated by act of Congress approved May (August) 5, 1854, in payment of expenses incurred and now actually paid by the State of California for the suppression of Indian hostilities within the said State prior to the 1st day of January, A. D. 1854, under the following restrictions and regulations: Before any bonds shall be redeemed by the Secretary of War they shall be presented to the board of commissioners appointed by the legislature of said State by an act approved April 19, 1856, and the amount due and payable upon each bond be indorsed thereon by said commissioners. Upon presentation to the Secretary of War of any bond or bonds thus indorsed, it shall be his duty to draw his warrant in favor of the holder or holders thereof for the amount certified to be due upon the same by the said commissioners upon the Secretary of the Treasury, who is hereby directed to pay the same: *Provided*, That said amount in the aggregate shall not exceed the amount of money appropriated by act of Congress approved August 5, 1854. Said bonds, after redemption, and after taking off the coupons that may remain unpaid, shall be delivered to the Secretary of War to be canceled.

The four bonds described in this bill were all 7 per cent bonds, and they were all issued prior to January 1, 1854, and while each thereof was paid by the Secretary of War on September 1, 1856, in conformity to the authority contained in said section of said act, yet those coupons only belonging to said bonds were paid on that date which represented

interest earned thereon from the date of their issue up to January 1, 1854, inclusive, while the coupons which represented interest earned thereon from January 1, 1854, to September 1, 1856, the date of the redemption of the bonds themselves, were not paid by the Secretary of War, but were returned by the war-bond commissioners named in said act to the holders of said four bonds.

The coupons described in this bill are of that class so not paid on September 1, 1856, but which were returned to the holders of said four bonds.

The war-bond commissioners named in said act of Congress duly indorsed on each of said four bonds, between August 18, 1856, and September 1, 1856, the aggregate amount of money due thereon up to September 1, 1856, which amount included the total face value of the bond itself, together with the total amount of interest earned thereon from the date of its issue up to September 1, 1856.

While the face value of each of said four bonds, together with all interest earned thereon up to January 1, 1854, was duly paid by the Secretary of War on September 1, 1856, as aforesaid, the coupons which then represented interest earned thereon between January 1, 1854, and September 1, 1856, were not paid, and because solely of a ruling of the then Secretary of War, Mr. Jefferson Davis, that he would not permit any payment of any interest on any of said bonds which had been earned thereon subsequent to January 1, 1854. (See Senate Ex. Doc. 122, Fifty-first Congress, first session, p. 150, et seq.)

The coupons so pertaining to said four bonds and so representing interest duly earned thereon, respectively, from January 1, 1854, to September 1, 1856, and so not redeemed or paid by the Secretary of War on September 1, 1856, and so returned by said war-bond commissioners to the holders of said four bonds, are those coupons recited in this bill, and are more specifically described as follows:

1. Coupon No. 3, which represents interest earned on said bonds from January 1, 1854, to January 1, 1855.

2. Coupon No. 4, which represents interest earned on said bonds from January 1, 1855, to January 1, 1856.

3. Coupon No. 5 (*fractional*), which represents interest earned on said bonds from January 1, 1856, to September 1, 1856.

The face value of all of said unpaid coupons, so described and as recited in this bill (S. 2773) (the aggregate amount of which is now due this claimant, who, by the evidence submitted to your committee, is shown to be the present owner and holder thereof), is recited in the following table:

1. Coupon No. 3 of 7 per cent bond No. 84 for \$500	\$35.00
2. Coupon No. 3 of 7 per cent bond No. 183 for \$500	35.00
3. Coupon No. 3 of 7 per cent bond No. 194 for \$500	35.00
4. Coupon No. 4 of 7 per cent bond No. 84 for \$500	35.00
5. Coupon No. 4 of 7 per cent bond No. 183 for \$500	35.00
6. Coupon No. 4 of 7 per cent bond No. 194 for \$500	35.00
7. Coupon No. 5 of 7 per cent bond No. 84 for \$500 (<i>fractional</i>)	23.33
8. Coupon No. 5 of 7 per cent bond No. 183 for \$500 (<i>fractional</i>)	23.33
9. Coupon No. 5 of 7 per cent bond No. 194 for \$500 (<i>fractional</i>)	23.33
10. Coupon No. 3 of 7 per cent bond No. 220 for \$1,000 (<i>fractional</i>)	24.33
11. Coupon No. 5 of 7 per cent bond No. 220 for \$1,000 (<i>fractional</i>)	46.66
12. Coupon No. 4 of 7 per cent bond No. 220 for \$1,000	70.00

Making the aggregate amount now due this claimant, as recited in this bill (S. 2773) 420.98

These same unpaid coupons so not redeemed on September 1, 1856, were, in June, 1868, and in July, 1895, again duly presented to the United

States Treasury Department for redemption and payment, and payment thereof was not made only because of a want of an appropriation with which to pay the same.

This same claim recited in this bill was also duly presented to the Fifty-fourth Congress, second session, for payment, and was favorably reported from this committee on January 13, 1897, in Senate Report No. 1210, and payment recommended.

The subject-matter of the payment of this same claim was also twice referred to the Treasury Department for report, to wit, on December 16, 1896, and April 22, 1897, and that Department, through the office of the Auditor for the War Department, twice reported favorably thereon, to wit, on December 19, 1896, and April 27, 1897, and to the effect that it was "not aware of any valid reason why interest should not be paid upon said described bonds up to the date, September 1, 1856, of their redemption by the United States, in case the necessary funds were made available by Congress."

The said reports of the Treasury Department are printed in Senate Document No. 137, and in Senate Report No. 1210, Fifty-fifth Congress, first session, copies of which and of the evidence of ownership of said coupons are submitted in an appendix attached hereto and made a part hereof.

Wherefore, your committee recommend that said bill, S. 2773, do pass.

APPENDIX.

[Senate Document No. 137, Fifty-fifth Congress, first session.]

TREASURY DEPARTMENT,
OFFICE OF THE SECOND AUDITOR,
Washington, D. C., April 27, 1897.

SIR: I am in receipt of your letter of the 22d instant, relative to certain California Indian war bonds (and interest thereon), issued in conformity with State act of May 3, 1852.

In reply I have the honor to inform you that the records of this office show that the bonds mentioned, viz, Nos. 84, 183, and 194, for \$500 each, and bond No. 220, for \$1,000, were redeemed and canceled by the United States, with interest from the several dates of issue of said bonds to January 1, 1854, by Treasury settlements No. 2817 and No. 2827 of September 18, 1856. These settlements included coupons No. 1 and No. 2 on all the bonds (representing interest to January 1, 1854).

Subsequently, by settlement No. 695 of July 26, 1895, interest was allowed on coupon No. 3 of bond 220 to August 25, 1854, leaving balance of interest unpaid on this coupon of \$24.33. The appropriation for such purpose having been entirely exhausted, no further allowance for interest could be made, and coupons Nos. 3, 4, and 5 of bonds 84, 183, and 194, respectively, representing interest from January 1, 1854, and coupons Nos. 4 and 5 of bond No. 220, representing interest from January 1, 1855, were returned to Capt. John Mullan August 27, 1895, as per his request.

This office is not aware of any valid reason why interest should not be paid upon the described bonds to dates of redemption by the United States in case the necessary funds are made available by Congress.

Respectfully, yours,

T. STOBO FARROW,
Auditor.

Hon. WILLIAM M. STEWART,
United States Senate.

UNITED STATES SENATE,
Washington, D. C., April 22, 1897.

SIR: I respectfully request to be duly informed upon the matters as follows, to wit: First. Were California Indian war bonds Nos. 84, 183, 194, for \$500 each, and No. 220, for \$1,000 (act of California, May 3, 1852), ever paid by the United States; and if so, at what dates were same so paid?

Second. Were any coupons pertaining to each of said bonds, representing interest earned thereon from the dates of the issue of each thereof, also paid by the United States; and if so, what coupons (by numbers) were so paid, and at what dates were said coupons so paid by the United States, and up to what date did said coupons (which were so paid) represent interest?

Third. Were coupons Nos. 3, 4, and 5 of said bonds Nos. 84, 183, 194, and 220 ever paid by the United States; and if not so paid, is there any valid reason why same should not be paid by the United States in case the necessary funds are made available by Congress; and provided further, that said bonds were not paid by the United States prior to September 1, 1856; and provided still further, that said coupons represent interest earned on and by said bonds from January 1, 1854, continuously to September 1, 1856, inclusive? Your very early (and, if possible, immediate) reply hereto will oblige,

Yours, very truly,

WM. M. STEWART.

The AUDITOR FOR THE WAR DEPARTMENT,
United States Treasury Department, Washington, D. C.

[Senate Report No. 1210, Fifty-fourth Congress, second session.]

The Committee on Claims, to whom was referred the amendment by Mr. Stewart to H. R. —, having duly considered the same, report as follows:

This claim is a deficiency for the fiscal year ending June 30, 1857, and for prior years. All four of the bonds recited in this amendment, together with coupons representing interest earned thereon from the date of the issue of each thereof, respectively, to January 1, 1854, were paid by the United States under acts of August 5, 1854 (10 Stat. L., 582, 583), and August 18, 1856 (11 Stat. L., 91), in September, 1856, but the coupons representing interest earned on said bonds between January 1, 1854, and September 1, 1856, have not been paid by the United States, for want of appropriation with which to pay the same, and the object of this amendment is to now pay said coupons.

This amendment is as follows, to wit:

“To pay the holders of coupons numbered three, four, and five, for interest from January first, eighteen hundred and fifty-four, to September first, eighteen hundred and fifty-six, on California Indian war bonds numbered eighty-four, one hundred and eighty-three, one hundred and ninety-four, two hundred and twenty, act of May third, eighteen hundred and fifty-two, which coupons were heretofore filed by the First National Bank of Washington, District of Columbia, in the Treasury Department for payment, but not paid for want of sufficient appropriation with which to pay the same, as recited in Senate Document Numbered Two hundred and sixty-five, Fifty-fourth Congress, first session, and recommended by the Treasury Department for payment, the sum of four hundred and twenty dollars and ninety-eight cents, to be immediately available.”

The Treasury Department reports that no reason exists why these coupons should not be paid the same as said bonds, and has recommended their payment as recited in correspondence giving a history of said bonds submitted in an appendix hereto.

Wherefore your committee recommend said amendment do pass, and that the same be duly referred to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES,
Washington, December 16, 1896.

SIRS: I respectfully request to be duly informed upon the matters as follows:

(1) Were California Indian war bonds Nos. 84, 183, 194, 220, act May 3, 1852, referred to in Senate Doc. No. 265, Fifty-fourth Congress, first session (copy herewith), ever paid by the United States; and if so, what dates were same so paid?

(2) Were any coupons pertaining to said bonds and representing interest earned on said bonds from the dates of the issue thereof also paid by the United States; and if so, what coupons were so paid, and at what dates were said coupons so paid by the United States?

(3) Were coupons 3, 4, 5 of said bonds Nos. 84, 183, 194, 220 ever paid by the United States; and if not so paid, is there any valid reason why same should not be paid by the United States, provided said bonds were not so paid by the United States prior

to September 1, 1856, and provided also that said coupons represent interest earned on and by said bonds from January 1, 1854, to September 1, 1856?

Your very early reply hereto will oblige,
Yours, very truly,

GROVE L. JOHNSON.

The SECRETARY OF THE TREASURY, and
AUDITOR FOR THE WAR DEPARTMENT,
Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR WAR DEPARTMENT,
Washington, D. C., December 19, 1895.

SIR: I am in receipt of your letter of the 16th instant, relative to certain California Indian war bonds, issued under State act of May 3, 1852, and interest thereon, being liabilities incurred by California in the suppression of Indian hostilities in said State prior to January 1, 1854.

In reply you are respectfully informed that the records of this office show that bonds Nos. 84, 183, and 194, for \$500 each, and No. 220, for \$1,000, were redeemed and paid by the United States, with interest to January 1, 1854, Treasury certificates Nos. 2817, of September 17, 1856, and 2827, of September 18, 1856. To each bond is attached coupons Nos. 1 and 2, representing the interest earned and paid. Coupons Nos. 3, 4, and 5 of said bonds Nos. 84, 183, 194, and 220, respectively, have not been redeemed or paid by the United States (except No. 3 of bond No. 220, upon which interest has been allowed and paid to August 25, 1854, leaving still unpaid and due thereon \$24.33), as the appropriation of \$924,254.65 provided by the act of August 5, 1854, has been entirely exhausted.

I see no reason why the interest represented by these coupons should not be paid in case the necessary funds are made available by Congress.

Your letter returned herewith.

Respectfully, yours,

T. STOBO FARROW,
Auditor.

Hon. GROVE L. JOHNSON,
House of Representatives.

STATE OF MARYLAND, *City of Annapolis, County of Anne Arundel, ss:*

Virginia I. Mullan, of Annapolis, Md., on first being duly sworn, says that she is now the sole owner of all the coupons pertaining to and heretofore detached from the California Indian war bonds described in Senate bill No. 2773, Fifty-fifth Congress, second session, copy of which is attached hereto and made a part hereof; that heretofore, in good faith, and for a valuable consideration by her duly paid therefor, she bought all of said coupons from Henry D. Cooke, jr., assignee of the First National Bank of Washington, District of Columbia, then owner of all said coupons, and which bank filed all said coupons for payment in the United States Treasury Department on June 23, 1868, and that she is now the actual bona fide holder and in possession of all said coupons, except coupon No. 3 of said bond No. 220 named in said bill, which latter coupon is now held in trust for her sole use and benefit in the United States Treasury Department, and is now in the custody of the office of the Auditor for the War Department, and upon which coupon No. 3 of said bond No. 220 all the interest heretofore due thereon has been heretofore duly paid by the United States except the sum of \$24.33, and that said unpaid balance of \$24.33 due thereon is still due and payable to her as the sole owner thereof.

VIRGINIA I. MULLAN.

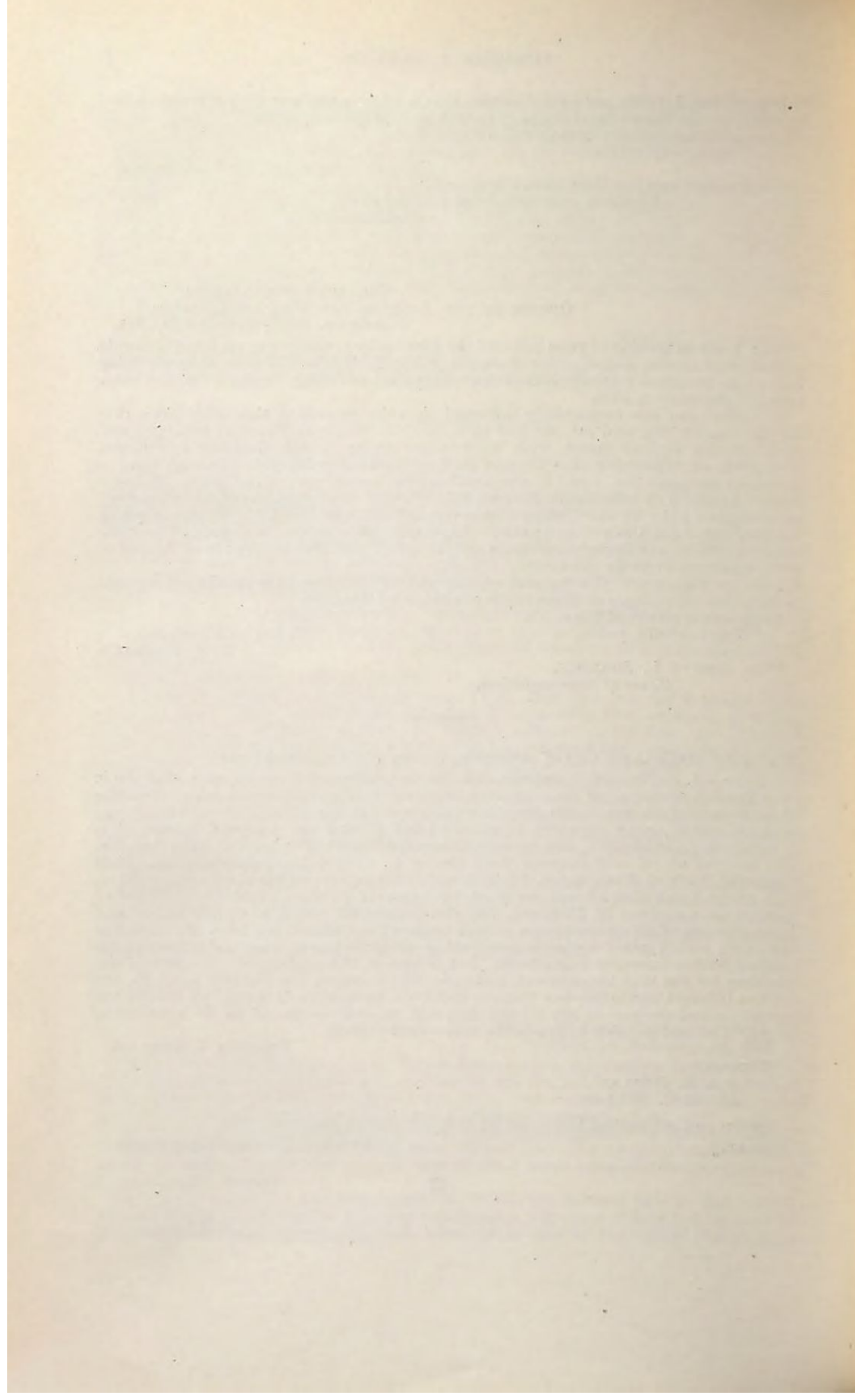
Witness:

ADA R. MULLAN.
ANNIE C. MULLAN.

Sworn and subscribed before me on this 12th day of February, 1898.

[SEAL.]

J. CLAYTON BREWER, *Notary Public.*



JOSEPH P. PATTON.

FEBRUARY 24, 1898.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 1803.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1803) "For the relief of Joseph P. Patton," submit the following report:

A precisely similar bill passed the House of Representatives and Senate in the closing days of the Fifty-fourth Congress, but failed to become a law, and the committee again recommend the passage of the measure, adopting and appending the report heretofore made by it as a part of this report.

[Senate Report No. 1541, Fifty-fourth Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10290) for the relief of Joseph P. Patton, have had the same under consideration, and find the facts to be as stated in House Report No. 2874, Fifty-fourth Congress, second session, which is hereto adopted and made a part of this report, as follows:

The Committee on Military Affairs, to whom was referred a petition for the relief of Joseph P. Patton, having had the same under consideration, report thereon as follows:

It is shown by the records of the War Department that Joseph P. Patton was enrolled April 23, 1861, and mustered into service April 26, 1861, as a private in Company E, Sixteenth Ohio Volunteer Infantry, to serve three months; was mustered out with his company August 18, 1861; was again enrolled September 23, 1861, and mustered into service October 31, 1861, as a sergeant of Company C, Fifth Ohio Cavalry Volunteers, to serve three years; was promoted from sergeant to second lieutenant June 5, 1862, and to first lieutenant of the same company and mustered as such September 17, 1863, and was dismissed the service by sentence of a general court-martial in September, 1864.

The facts set forth in the War Department report of the court-martial proceedings in this case are as follows:

At a general court-martial which convened at headquarters Second Brigade, Third Division, Fifteenth Army Corps, pursuant to General Orders, No. 1, headquarters Third Division, Fifteenth Army Corps, dated January 1, 1864, and of which Maj.

John F. Waldren, Seventeenth Iowa Infantry Volunteers, is president, was arraigned and tried:

First Lieutenant Joseph P. Patton, C Company, Fifth Regiment Ohio Cavalry Volunteers.

CHARGE 1.—Conduct prejudicial to good order and military discipline.

Specification.—In this, that the said Joseph P. Patton, first lieutenant C Company, Fifth Ohio Cavalry Volunteers, did, on or about the 1st day of February, 1864, at or near the city of Huntsville, Ala., transfer and sell to one George W. Smith, citizen of said city of Huntsville, one light two-horse wagon, one double harness, and one span of mules, the property of the United States, and appropriated the proceeds of said sale to his own use. All this at or near Huntsville, Ala., on or about the 1st day of February, 1864.

CHARGE 2.—Violation of the thirty-sixth article of war.

Specification.—In this, that the said First Lieut. Joseph P. Patton, C Company, Fifth Regiment Ohio Cavalry Volunteers, did, on or about the 1st day of February, 1864, at or near the city of Huntsville, Ala., transfer and sell to one George W. Smith, citizen of said city of Huntsville, Ala., one double harness and one span of mules, the property of the United States, and appropriate the proceeds of said sale to his own use. All this at or near Huntsville, Ala., on or about the 1st day of February, 1864.

To which charges and specifications the accused pleaded "not guilty."

Finding.—The court having maturely considered the evidence adduced find the accused, First Lieut. Joseph P. Patton, C Company, Fifth Regiment Ohio Cavalry Volunteers, as follows:

Charge 1.—Of the specification, guilty, except the words "one light two-horse wagon and double harness" and the words "did appropriate the proceeds of said sale to his own use." Of the charge, guilty.

Charge 2.—Of the specification, guilty, except the words "one double harness and," and the words "and appropriate the proceeds of the sale to his own use." Of the charge, guilty.

Sentence.—And the court do therefore sentence him, First Lieut. Joseph P. Patton, C Company, Fifth Regiment Ohio Cavalry Volunteers, to forfeit all pay due and be dismissed the service of the United States.

Proceedings, findings, and sentence approved and confirmed. First Lieut. Joseph P. Patton, C Company, Fifth Ohio Cavalry Volunteers, is accordingly dismissed the service of the United States, with loss of all pay due, and ceases to be an officer from this date.

* * * * *

By order of Maj. Gen. O. O. Howard:

WM. T. CLARK,
Assistant Adjutant-General.

On August 28, 1864, Patton wrote to the adjutant of his regiment, in which he stated that he had been under arrest and held in suspense ever since his trial by a court-martial convened at Huntsville, Ala., in February, 1864, and had been deprived of his pay since that time, and asked that the decision of the court-martial in his case be made known to him at the adjutant's earliest convenience. This letter was forwarded by Colonel Heath, of his regiment, and reached the reviewing authority in Washington. The Judge-Advocate-General returned it with the following indorsement:

BUREAU OF MILITARY JUSTICE, *September 17, 1864.*

Respectfully returned with the information that the record of the trial of Lieutenant Patton has not been received at this office. This officer has been under arrest since February last without pay, and if the record of some sentence against him justifying a continuance of this arrest can not be found, it is believed that he should be at once released. A recommendation to this effect is the more confidently made in view of the strong indorsement of Colonel Heath in his favor.

J. HOLT, *Judge-Advocate-General.*

This was approved by the Secretary of War September 21, 1864, and the following order issued:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., September 21, 1864.

COMMANDING GENERAL,

Fifteenth Army Corps, Army of the Tennessee, Atlanta, Ga.

SIR: The Secretary of War directs that First Lieut. Joseph P. Patton, Company C, Fifth Ohio Cavalry, be released from arrest and returned to duty with his regiment, the record of the proceedings of general court-martial in his case not having

been received at the office of the Judge-Advocate-General, and is, therefore, supposed to have been lost.

I am, sir, very respectfully, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant-General.

The War Department report further states that the letter from this Department above quoted was returned to this Department with the indorsement of the major-general commanding the Fifteenth Army Corps, under date of November 10, 1864, with the information that Lieutenant Patton had been dismissed the service per General Orders, No. 22, headquarters Department and Army of the Tennessee of 1864, and under those orders had gone to his home in Ohio, and that it was beyond the power of the Department or any executive officer to afford any relief in cases of this nature, there being no authority of law to revoke, annul, modify, or set aside a duly confirmed and executed sentence of a general court-martial. It will be noticed that Patton was not found guilty of the specifications named in either charge except in qualified form—that is to say, he is found guilty of selling one span of mules, but not of selling one light two-horse wagon and double harness, nor of appropriating the proceeds of the sale to his own use. He was tried in February, 1864, and was kept under arrest until August, 1864.

The order of the Secretary of War of date September 21, 1864, releasing Lieutenant Patton from arrest and returning him to duty with his regiment evidently had not reached corps headquarters before the sentence of the court-martial had been executed and carried into effect, hence when it did arrive it was too late to rectify the wrong done the officer.

This soldier, in an affidavit accompanying his petition, states that he was in command of his company and with it on detached service near East Port Landing on the Tennessee River, in Tennessee, guarding and driving a herd of cattle for Gen. John E. Smith's Fifteenth Army Corps from such landing to Chattanooga; such cattle belonged to Kahn & Rice, of Cincinnati, Ohio, who had the contract to furnish beef for the Fifteenth Army Corps; that while in discharge of such duty he had a special order from Gen. John E. Smith to confiscate all the horses, mules, and cattle that he could find on his line of march, which order was strictly obeyed, his command arriving at Chattanooga about November 15, 1863, and the cattle were disposed of; that shortly after the battle of Missionary Ridge, which occurred about November 25, 1863, the soldier and his command accompanied General Smith to Huntsville, Ala., as headquarters guard and escort; that before leaving Chattanooga the agent of Kahn & Rice placed in this officer's care a wagon and a span of mules belonging to Kahn & Rice, with instructions to sell the same for such amount as he could get and send the money to them at Cincinnati; that while on the march to Huntsville some men of his command became dismounted, their horses giving out, and that two of the dismounted men were by his orders mounted on the Kahn & Rice mules, which were large and strong, and two of the small captured mules were hitched to the wagon, they being of inferior stock, small and unable to carry a man on a long forced march; that while on the march the Kahn & Rice mules became disabled, in the regular line of duty, and were abandoned; that shortly after the command arrived at Huntsville he sold the wagon and the two mules that had been exchanged for the larger ones which were the private property of Kahn & Rice, for \$50, intending to send them the money according to the instructions of the agent; that he had no thought or intention of wrongdoing, and made no secret of the transaction, supposing that, as the private property of said firm had been used by his orders, he had a perfect right to sell for their benefit property that he had captured and that had been exchanged therefor by his orders and for the best interests, as he believed, of the service; that the mules had been put into the service of the United States, used and disabled in regular service, and abandoned along with hundreds of others; that he soon found that he had made a bad mistake and attempted to rectify the error by buying back the mules that he had sold and returning the \$50.

Your committee deem the order of the Secretary of War, which in terms released the officer from arrest and was designed to restore him to duty, a complete vindication, justifying the granting of the relief applied for; also, that the findings and sentence of the court-martial were most extraordinary under the circumstances, and in the light of the facts detailed in the petitioner's affidavit almost incomprehensible, and that therefore the injury and wrong done this petitioner can not be too speedily rectified.

Although it will be but tardy justice at best, the committee present the accompanying bill for the relief of the petitioner, and recommend its passage.

DARIUS B. RANDALL.

FEBRUARY 24, 1898.—Ordered to be printed.

Mr. SHOUP, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 2470.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2470) to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians, have examined the same and report:

The bill provides for the payment to the heirs of Darius B. Randall, deceased, the sum of \$3,161 for certain improvements made by him on the Nez Percé Indian Reservation, in Idaho, and relinquished to the Nez Percé Indians August 4, 1873, "relying and depending upon such remuneration or pay for said improvements solely on the action and decision of the Indian Department at Washington, that shall be made on full showing hereafter to be made to it by the agent of said tribe."

The value of these improvements has been estimated at from \$1,500 to \$3,100, and the Interior Department has repeatedly recommended that an appropriation of at least \$1,500 be made for the settlement of the claim. In the Forty-fifth Congress a bill similar to the one under consideration was reported favorably by the Committee on Indian Affairs in the House of Representatives, appropriating \$1,575 in payment of the claim, and the following report submitted:

The bill appropriates the sum of \$3,161 to pay Loyol P. Brown, administrator of the estate of Darius B. Randall, deceased, for certain improvements made by deceased on the Nez Percé Indian Reservation, and relinquished by him to said tribe of Indians, such sum to be reimbursed to the United States from the last of twenty annual installments to be appropriated in fulfillment of the provisions of the treaty of June 11, 1855, with the Nez Percé tribe of Indians.

It appears from the proof accompanying this bill that Darius B. Randall, by special license of D. M. Sells, then agent of the Nez Percé tribe of Indians in the Territory of Idaho, and in conformity with the third paragraph of the eighth article of the treaty of 1863 with said tribe, in the month of August, 1870, went upon and made valuable improvements upon the reservation of said Indians, variously estimated at from \$1,500 to \$3,100. Said permit is hereto attached, marked Exhibit A, and asked to be taken as part of this report.

On the 4th day of August, 1873, the said D. B. Randall, by special request of the Government of the United States, through the agent, Gen. J. P. C. Shanks, and under

promise of a fair consideration for his improvements, signed and delivered to said agent a release of all his right, title, claim, and interest in and to the said improvements; which said release is hereto attached, marked Exhibit B, and asked to be considered as part of this report.

The evidence further shows that the said Randall, in strict compliance with said release of interest, delivered possession of all his said improvements to said agent for the use and benefit of the Nez Percé tribe of Indians, and that they did get the use and benefit of the same; that on the 5th day of July, 1877, the said Randall was killed in battle with the Nez Percé tribe of Indians at or near ———, and that afterwards letters of administration were duly granted on his estate to Loyol P. Brown, and that he is still such administrator.

Your committee further show that this bill, with all the proof, was submitted to the Commissioner of Indian Affairs for his consideration and opinion thereon, and he, through the honorable Secretary of the Interior, sent the following communication:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 19, 1877.

SIR: I have the honor to acknowledge the receipt by Department reference for report of a letter from J. F. Hill, esq., clerk to House Committee on Indian Affairs, dated the 15th instant, submitting House bill 4474, for the relief of D. B. Randall for improvements made on the Nez Percé Reservation in Idaho, with request for information thereon.

This claim, with others of similar character, was reported to the Department with favorable recommendation January 26, 1875, accompanied by a draft of a bill making an appropriation for their payment. No definite action having been taken by the last Congress, and believing these parties justly entitled to compensation, a further report was made on the 6th of January last, reiterating the views of this office heretofore expressed, and requesting that, inasmuch as the last Congress had failed to grant any relief, the subject be again submitted to the present Congress for its favorable action.

Hon. J. P. C. Shanks and Governor T. W. Bennett, commissioners, made no specific report on this case. Their only report, being a general one, respecting white men on this reservation, may be found on page 158 of annual report for 1873. There is only one communication from Agent Monteith that furnishes any information respecting this claim, and that is believed to contain a full report thereon. A copy of his letter is submitted herewith, as requested by said committee.

I return herewith the communication of Mr. Hill, with inclosure.

Very respectfully, your obedient servant,

S. A. GALPIN.
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

The report of the Commissioner, dated January 6, 1877, and referred to in the above letter, is hereto attached as part of this report, marked C.

In view of the facts that said D. B. Randall in his lifetime went upon said reservation and made valuable improvements thereon by special leave of the then Indian agent and in compliance with the treaty of 1863, and that he relinquished his rights under the assurance that the Government would compensate him for them, and the Indians having enjoyed the full benefit of his labor and improvements, your committee are of the opinion that the heirs of said Randall have a just claim for the value of the improvements made by him and afterwards surrendered for the use of said Nez Percé tribe of Indians, and recommend the passage of the bill with the following amendment:

In the third line strike out the words "thirty-one hundred and sixty-one" and insert "fifteen hundred and seventy-five."

EXHIBIT A.

OFFICE INDIAN AGENT, LAPWAI, IDAHO TERRITORY,
August 20, 1870.

Permission is hereby given D. B. Randall to keep a public house on the Nez Percé Reservation on the Sweetwater—distant from this agency about seven miles—upon the conditions as set forth in the intercourse law. This permit to continue in force at the discretion of the agent, or so long as the obligations imposed are fulfilled.

D. M. SELLS,
Capt., U. S. A., and Ind. Agent.

EXHIBIT B.

I hereby assign, set over to, and deliver possession to the Nez Percé Indians, through their agent, all and singular the improvements, privileges, and appurtenances of and belonging to all that property known as the "Twelve Mile House" property, on Sweetwater Creek, on the Nez Percé Reservation, heretofore held and made by me and those who preceded in the same, under permits granted by agents of the Nez Percé Indians, under the eighth article of the treaty of 1863, relying and depending upon such remuneration or pay for said improvements solely on the action and decision of the Indian Department at Washington, that shall be made on full showing hereafter to be made to it by the agent of said tribe. If the said Department shall decide that under said eighth article of said treaty and the holding possession thereunder without payment of rents they shall not be entitled to payment for such improvements, then this delivery shall be void and no property assigned.

D. B. RANDALL.

Signed this 4th day of August, A. D. 1873.

In presence of—

F. W. MONTEITH.

EXHIBIT C.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 6, 1877.

SIR: I have the honor to invite your attention to the fact that certain white persons, who have resided upon the Nez Percé Indian Reservation, in Idaho Territory, for a number of years, have made valuable improvements thereon; that the commission appointed last year, with your approval, to visit this reservation and to adjust the difficulties existing between the settlers and the roving bands of Nez Percé Indians recommend in their report of the 1st of December last that the Government should forthwith adjust the claims of these settlers for said improvements and remove these settlers from the reserve, and thereby make room for the settlement of such roving Indians as may be willing to come upon the reservation; and as it was deemed advisable by this office for the best interests of the service, and in accordance with the treaty stipulations, to have these persons removed from the reservation, notice was given them accordingly two years ago. In order, however, that no injustice may be done to these individuals (D. B. Randall and W. A. Caldwell), it is proposed to pay them a fair valuation for their improvements; and I therefore have the honor to submit herewith, in duplicate, a draft of a proposed bill for their relief, providing for the purchase of their improvements, and an appropriation of the sum of \$6,500 therefor (this being the value reported by the agent on the 23d of November, 1874), or so much thereof as may be necessary, such amount to be reimbursed to the United States from the last of twenty annual installments to be appropriated in fulfillment of the provisions of the fifth article of the treaty of June 11, 1855, with the Nez Percé tribe of Indians, for the employment of one superintendent of farming, etc.

This was the subject of report of January 26, 1875, but as the last Congress failed to take any decisive action thereon, it is respectfully requested that the proposed bill be transmitted to this Congress at its present session, with a recommendation for favorable action thereon.

I have the honor to be, very respectfully, your obedient servant,

Commissioner.

The SECRETARY OF THE INTERIOR.

HOUSE OF REPRESENTATIVES, January 24, 1876.

SIR: I have the honor to state, in response to inquiry as to my knowledge of the value of the house of Darius B. Randall, deceased, assigned by him to the Nez Percé Indians in 1873, and the dimensions of the same, that I was well acquainted with the value of the property; that I have often lodged at the house; that it was a frame house, about 46 feet long, 24 feet wide, 2 stories high, with a large addition for a kitchen; was finished; and cost not less than \$2,700 when erected.

Very respectfully,

S. S. FENN.

Hon. T. M. GUNTER,

Of Committee on Indian Affairs, House of Representatives.

Your committee are of the opinion that this bill is very meritorious and should become law. The transfer was made to the Indians in good faith, and as nearly twenty-five years have elapsed since the property was relinquished at the suggestion of the Government, the amount named in the bill, in the opinion of your committee, is not excessive.

From the affidavit hereto attached, it will be observed that the administrator of the estate of Darius B. Randall, deceased, is dead.

The passage of the bill is recommended, with the following amendment:

In line 3, strike out the words "three thousand one hundred and sixty-one," and insert in lieu thereof the words "two thousand four hundred."

STATE OF IDAHO, *County of Idaho*:

Arabella J. Dorman, being duly sworn, deposes and says that she was the wife of D. B. Randall, now deceased, at the time of his death; that said D. B. Randall died on the 5th July, 1877; that this affiant, Arabella J. Dorman, remarried on the 5th May, 1880, Jay M. Dorman, and is now his wife; that L. P. Brown, now deceased, was the duly qualified and acting administrator of the estate of said D. B. Randall, deceased, who rendered his account to the probate court of said Idaho County, which was duly approved and said administrator discharged; that said D. B. Randall left surviving him the following heirs to wit: Arabella J. Randall (now Dorman), wife, and the following children, all of whom are now living, to wit: Oronoco L. Randall (now Ingram), Henry A. Randall, Belle J. Randall (now Hogan), Maude E. Randall, Addie L. Randall (now Stephens).

ARABELLA J. DORMAN.

Subscribed and sworn to before me this 9th day of July, 1897.

[SEAL.]

W. N. SCALES,
Probate Judge of Idaho County, Idaho.

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LIGHT-HOUSE TENDER FOR USE ON LAKE ERIE AND
LAKE ONTARIO.

FEBRUARY 24, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Commerce, submitted the
following

REPORT.

[To accompany S. 3718.]

The Committee on Commerce, to whom was referred the bill (S. 3718) appropriating \$100,000 for the construction of a light-house tender for use on Lake Erie and Lake Ontario, make a favorable report thereon.

The bill was submitted to the Treasury Department, which Department makes the following favorable report:

TREASURY DEPARTMENT,
Washington, D. C., February 21, 1898.

SIR: I have the honor to acknowledge the receipt of a letter from your committee dated February 17, 1898, inclosing Senate bill No. 3718, appropriating \$100,000 for the construction of a light-house tender for use on Lake Erie and Lake Ontario, and asking suggestions touching the merits of the bill and the propriety of its passage.

In reply I beg leave to state that the Light-House Board, to which the matter was referred, reports that it approves the bill, the present tender being of wood and too small and unsuitable to the demands of commerce. With such a tender as is proposed in this bill, floating aids to navigation, especially light vessels and lighted gas buoys, could be kept in place a month longer than can be done at present, thereby securing to great commercial interests involved a much greater measure of security against accident by stranding and possible loss of life from the absence of these aids to navigation now necessary because of the insufficient power and strength of the present tender.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

LIGHT-HOUSE TENDER FOR USE ON LAKES HURON,
SUPERIOR, AND MICHIGAN.

FEBRUARY 24, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on Commerce, submitted the
following

REPORT.

[To accompany S. 3719.]

The Committee on Commerce, to whom was referred the bill (S. 3719) appropriating \$100,000 for the construction of a light house tender for use on Lakes Huron, Superior, and Michigan, have considered the same and submit the following report:

The bill was submitted to the Treasury Department, which Department makes the following favorable report:

TREASURY DEPARTMENT,
Washington, D. C., February 21, 1898.

SIR: I have the honor to acknowledge the receipt of a letter from your committee, dated February 17, 1898, inclosing Senate bill No. 3719, appropriating \$100,000 for the construction of a light-house tender for use on Lakes Huron, Superior, and Michigan, and asking suggestions touching the merits of the bill and the propriety of its passage.

In reply I beg leave to state that the Light-House Board, to which the matter was referred, reports that it approves the bill, the present tenders being too small and unsuitable to the demands of commerce. With such a tender as is proposed in this bill, floating aids to navigation, especially light-vessels and lighted gas buoys, could be kept in place a month longer than can be done at present, thereby securing to great commercial interests involved a much greater measure of security against accident by stranding and possible loss of life from the absence of these aids to navigation, now necessary because of the insufficient power and strength of the present tenders.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

STATE EXHIBITION BUILDINGS IN ROCK CREEK PARK,
DISTRICT OF COLUMBIA.

FEBRUARY 26, 1898.—Ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia, submitted the following

ADVERSE REPORT.

[To accompany S. 3481.]

The Committee on the District of Columbia, to whom was referred the bill (S. 3481) to authorize the establishment of State exhibition buildings in Rock Creek Park, in the District of Columbia, make an adverse report upon the same.

The bill was submitted to the Board of Control of Rock Creek Park, and the report of that board as given below states the reasons why the establishment of such buildings in the park would be undesirable.

ROCK CREEK PARK BOARD OF CONTROL,
Washington, D. C., February 11, 1898.

SIR: The Board of Control of Rock Creek Park, placed by Congress in permanent charge of said park, has the honor to submit the following report concerning Senate bill 3481, "To authorize the establishment of State exhibition buildings in Rock Creek Park, in the District of Columbia."

It is the opinion of the board that there are serious objections to this proposed legislation. The topography of Rock Creek Park is such that there are comparatively few level or reasonably smooth spaces within its boundaries, and it is believed that these should be reserved for park purposes. To permit the construction of buildings entitled to anywhere from 1 to 6 acres of ground each would interfere materially with the use of the grounds for the benefit of the general public and the purposes for which the park was designed.

Concerning the general object of the bill, it should be stated that it is believed if the proposed buildings were situated in Rock Creek Park a large majority of the visitors to Washington would never see them, nor could they obtain convenient access to them without a large expenditure of time. If separate buildings are therefore to be erected for this purpose it would seem that their proper location should be within the city and not in the park. Furthermore, it is believed that the object for which it is proposed to erect these buildings would be much better accomplished by attaching their exhibits to the National Museum instead of placing them in a remote corner of the District. Another very serious defect in the proposed legislation is that the governor of any State can make application for a tract of ground which must then be reserved for that State, but as the erection of buildings upon it must await appropriations by the legislature for the purpose the tract in question may be rendered unavailable for park purposes and yet remain unimproved for several years, and in some cases indefinitely.

2 STATE EXHIBITION BUILDINGS IN ROCK CREEK PARK.

Should Congress, however, consider it desirable to enact the proposed bill into law, there are several defects in it as it now stands, to which attention is respectfully invited.

Line 3 of the proposed act states "That the Rock Creek Park Commissioners, with the consent," etc. As Congress has adopted the title of Board of Control of Rock Creek Park for the officials having permanent charge of said park, and uses the term "commissioners" for those who were employed to acquire land for the park, and as the Rock Creek Park Commission will expire when its duties of assessing benefits are completed, and the board of control is a permanent body, it is believed great confusion will result from the term "commissioners," and line 3 should therefore read, "That the Board of Control of Rock Creek Park," etc.

The bill goes on to say, "with the consent and approval of the President of the United States." While it is believed that no harm could come from having the President of the United States as an advisory member of the board, yet Congress has already established a definite board of control for the park and defined its personnel, and to add an additional member, even such a distinguished one as the President of the United States, for a special purpose, will, it is believed, only work confusion without producing any corresponding benefit. It is therefore believed that the words "with the consent and approval of the President of the United States," in lines 3 and 4 of the bill, should be stricken out.

In lines 13 and 14 of the bill it is provided that the buildings shall be "subject in all respects to the general jurisdiction and police control of the United States." It is believed that it would be much better to have the buildings under the same jurisdiction and police control as the remainder of the park, whatever that may be, when funds are appropriated for its proper police protection and control, and it is therefore recommended that these lines be so amended as to place the buildings under the jurisdiction and control of the park authorities.

Very respectfully,

JOHN M. WILSON,
Brigadier-General, Chief of Engineers, United States Army.

JOHN W. ROSS,
JOHN B. WIGHT,
W. M. BLACK,
*Commissioners of the District of Columbia,
Board of Control, Rock Creek Park.*

HON. JAMES McMILLAN,
Committee on the District of Columbia, United States Senate.



DIRECTOR OF GYMNASTICS, ETC., UNITED STATES MILITARY ACADEMY.

FEBRUARY 26, 1898.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 3804.]

The Committee on Military Affairs, to whom was referred the bill (S. 3804) to authorize the President of the United States to appoint and confer the rank of first lieutenant of infantry upon the director of gymnastics and instructor of swordsmanship at the United States Military Academy, have considered the same, and report:

The bill is identical with a substitute reported by this committee for S. 665, first session Fifty-fourth Congress, which was approved by the War Department. In the last two annual reports of the Adjutant-General the proposition which this bill contemplates is indorsed. General Ruggles adds:

It is important that the instructor have military rank. The cadets are warrant officers, and those placed over them should have commissioned rank in the interest of discipline and to enforce authority.

The Superintendent of the Academy and Board of Visitors for several years have urged that this rank and pay of first lieutenant be conferred. The work of the instructor is entitled to the highest praise.

His pay is now \$1,500 per year. His pay as first lieutenant would be the same.

Your committee recommend that the bill do pass.



ADULTERATION OF CANDY IN THE DISTRICT OF COLUMBIA.

FEBRUARY 26, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 409.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 409) to prevent the adulteration of candy in the District of Columbia, make a favorable report thereon.

The Committee on the District of Columbia of the House of Representatives made the following report upon the bill when it was before that committee:

HOUSE REPORT.

The Committee on the District of Columbia, to whom was referred the bill (H. R. 409) to prevent the adulteration of candy in the District of Columbia, after careful consideration of the merits involved, beg leave to report the same to the House with the recommendation that it do pass.

The proposed legislation is fully explained in the accompanying letter from the Commissioners of the District of Columbia, which your committee incorporates as a part of its report.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 5, 1898.

DEAR SIR: The Commissioners recommend favorable action upon the bill (H. R. 409) "to prevent the adulteration of candy in the District of Columbia," which was referred to them at your instance for their examination and report.

Various laws and ordinances are in force at present in the District of Columbia relative to the adulteration of food, but none especially refer to the adulteration of candy. In view of the possibility of doubt whether the word "food," where it appears in those laws, would be construed to include candy, the purpose of the bill appears to be meritorious, as it seeks to provide positive means for the prevention of fraud and to remove certain sources of danger to the public health.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia.

CERTAIN HEALTH ORDINANCES OF THE DISTRICT OF
COLUMBIA.

FEBRUARY 26, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany S. R. 34.]

The Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 34) authorizing the Commissioners of the District of Columbia to alter, amend, or repeal certain health ordinances, make a favorable report thereon.

The joint resolution was introduced at the instance of the Commissioners of the District of Columbia, and has been carefully considered by your committee. It has been the experience of the committee that many matters of detail may very properly be left with the Commissioners of the District of Columbia to the end that Congress may not be occupied with the regulation of small District affairs. Should the Commissioners at any time seem to take action not for the best interests of the District, there is always the power in Congress to supervise and correct matters. The report of the health officer shows in detail what it is proposed to accomplish by the resolution.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, July 10, 1897.

DEAR SIR: The Commissioners recommend favorable action upon Senate resolution No. 34, entitled "Joint resolution authorizing the Commissioners of the District of Columbia to alter, amend, or repeal certain health ordinances," which was referred to them at your instance for their examination and report. They transmit herewith a copy of a communication addressed to them by the health officer of the District, giving the reasons for the legislation proposed in the bill.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Senator JAMES McMILLAN,
Chairman Committee on the District of Columbia, United States Senate.

JULY 6, 1897.

GENTLEMEN: Referring to a joint resolution authorizing the Commissioners of the District of Columbia to alter, amend, or repeal certain health ordinances (S. R. No. 34), I have the honor to submit the following report:

The purpose of this resolution, which was prepared at the instance of this department, is to remove the restriction placed upon the Commissioners by the ordinances referred to in the exercise of the authority conferred by Congress to make regulations governing public health.

These ordinances were originally promulgated by the late board of health of this District, which was abolished by an act providing a permanent form of government for the District of Columbia, approved June 11, 1878. They were legalized by Congress by a joint resolution legalizing the health ordinances and regulations for the District of Columbia, approved April 24, 1880; and again by a clause in the District appropriation bill, approved August 7, 1894, which provided "That the ordinances of the late board of health of the District of Columbia, as legalized by joint resolution of Congress approved April twenty-fourth, eighteen hundred and eighty, be, and the same are hereby, declared to have the same force and effect within the District of Columbia as if enacted by Congress in the first instance." The scope of these ordinances is, possibly, sufficiently indicated by their title. It includes such subjects as the disposal of the contents of cesspools and offal, etc.; the transportation through the public streets of bones, hides, and fish; the care of drainpipes, soil pipes, and water-closets; the location and construction of privies; the removal of night soil; the sanitary condition of stables; the regulation of offensive trades; the returns of vital statistics, interments and disinterments; the restriction of glanders and rabies among domestic animals, and various similar subjects.

These ordinances constituted a very satisfactory code of sanitary law when they were promulgated by the board of health and when they were originally legalized by Congress. They were especially so at the time first mentioned, because they were subject to amendment at any time by the board of health. The advance of sanitary science and changes in local conditions due to a largely increased population has, however, rendered it necessary that certain of these ordinances should be amended or repealed. The subjects covered by them, however, are not, apparently, such as it is the desire of Congress should consume the time of that body, being properly mere matters of police, the regulation of which, very generally, has been delegated to the Commissioners of the District of Columbia; as, for instance, by section 8 of an act for the establishment of a Bureau of Animal Industry, etc., approved May 29, 1884, which authorizes the Commissioners to prescribe such regulations as they deem necessary to prevent the spread of contagious diseases among domestic animals; by an act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, approved January 26, 1887; by a joint resolution to regulate licenses to proprietors of theaters in the city of Washington, District of Columbia, and for other purposes, approved February 26, 1892; by a clause in the District appropriation bill, approved March 2, 1895, authorizing the Commissioners to make regulations governing the collection and disposal of garbage, and by various other laws now upon the statute books.

The grant of authority conferred by these various laws is, however, limited by the legalized health ordinances, as, these ordinances having the same force and effect as if enacted by Congress, the subjects covered thereby can not be further regulated by the Commissioners of the District of Columbia, as such further regulation by them would be, in effect, the amendment of an act of Congress by the Commissioners.

It is respectfully recommended, therefore, that in order to secure to the Commissioners, to the fullest extent, the various grants of authority to make regulations governing public health which have been conferred by Congress, especially by the joint resolution of February 26, 1892, they be granted the further right to alter, amend, or repeal the ordinances of the late board of health, as provided for in the joint resolution known as S. R. No. 34.

Very respectfully,

W. C. WOODWARD, M. D.,
Health Officer.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.



SHIP ISLAND QUARANTINE STATION.

FEBRUARY 28, 1898.—Ordered to be printed.

Mr. VEST, from the Committee on Public Health and National Quarantine, submitted the following

REPORT.

[To accompany Senate Res. No. 233.]

The Committee on Public Health and National Quarantine, which was instructed by a resolution of the Senate adopted on January 20, 1898, "to investigate and report whether it is advisable that the quarantine station be removed from Ship Island to some other point in the Gulf of Mexico, and that said committee shall have power to prosecute its inquiries through a subcommittee, which may sit during the sessions of the Senate at such times and places as may be thought necessary, with power to send for persons and papers and to employ a stenographer," reports as follows:

In pursuance of the authority given by the foregoing resolution, a subcommittee, consisting of Senators Vest, Gallinger, McEnery, and Mallory, met at Biloxi on the Gulf coast, February 10, 1898, and invited all persons to testify before them who had any knowledge of the matters set forth in the resolution.

A large number of witnesses, coming from all ranks and avocations of life in the town of Biloxi and its vicinity, testified before the committee, and without an exception their testimony was to the effect that the quarantine station now located on Ship Island should not be removed.

The contention on the part of those who advocated the removal of the station is that the appearance of yellow fever on the Gulf coast in the summer of 1897 was due to the proximity of said quarantine station on Ship Island to the mainland, but no witness testified to any fact showing this statement to be true. On the other hand, all the witnesses testified that the yellow fever had not come from Ship Island to the mainland in 1897, and that the quarantine regulations at the station had been rigidly and carefully enforced.

The committee found from the coast chart and the evidence before it that the nearest point on Ship Island to the coast was distant about 10 miles, and that every precaution possible had been taken by the officials at the station to prevent any communication between vessels in quarantine and the mainland. It was shown beyond question that the harbor at Ship Island was the largest and best upon the coast, being sufficient to accommodate any number of vessels that might be brought there.

Chandeleur Island, which was urged as a better locality for the station than Ship Island, is located 12 miles farther out in the Gulf than Ship Island, and is simply a sand bank, without vegetation and

exposed to the fury of the storms which prevail during certain seasons of the year in the Gulf of Mexico.

By act of Congress approved March 5, 1888, the quarantine station was located upon Chandeleur Island, but the buildings were totally destroyed by a storm some time afterwards, four lives being lost, and there remains now upon the island only the light house, which is placed upon iron piles, the largest part of the island being subject to overflow during storms and gales.

The committee came unanimously to the conclusion that it was out of the question to contemplate the location of the station upon Chandeleur Island.

The next location suggested as a suitable one for the quarantine station was Petit Bois Island, situated some 15 miles east of Ship Island and between 7 and 8 miles from the mainland. The harbor is a good one, but not so large as that at Ship Island; and in view of the fact that Petit Bois Island is nearer to the coast than Ship Island the committee came to the conclusion that if there was anything in the objection to Ship Island on account of its proximity to the mainland, the same objection applied with greater force to Petit Bois Island.

The only other island named as a more suitable one for the station than Ship Island was Cat Island, situated some miles west of Ship Island and about 7 miles distant from the coast. What has been said in regard to Petit Bois Island as to its distance from the mainland applies with equal force to Cat Island, and, in addition, the evidence showed that the harbor and anchorage at Cat Island were in no respect equal to those at Ship Island.

After hearing the evidence the committee came to the conclusion that it was not expedient to abandon the buildings and other improvements upon Ship Island, made at considerable expense by the Government, for the purpose of removing the quarantine station from that island to any of those hereinbefore named.

It may not be improper to state that, immediately prior to the visit of the subcommittee to Biloxi, a committee appointed by the State authorities of Mississippi had visited Ship Island and the other islands named, and after hearing testimony for some days reported to the governor of Mississippi that the quarantine station on Ship Island was not a menace to the health of the people upon the mainland; that the yellow fever had not come through said station to the coast in 1897; and that the charges made against the officials at Ship Island, of inefficiency and negligence in the discharge of their duties, were unfounded.

The committee submits herewith the testimony taken by them at Biloxi, and asks that they be discharged from the further consideration of the matter submitted by the resolution of the Senate.

TESTIMONY TAKEN AT BILOXI, MISS., FEBRUARY 10, 1898.

Dr. B. F. TAYLOR, sworn, testified as follows:

Examined by Mr. VEST.

Q. Give your name, please.—A. B. F. Taylor.

Q. State your residence and business.—A. My residence is Biloxi at present. I am a doctor of medicine.

Q. How long have you lived here?—A. Since August. I came from New Orleans here. I have lived in New Orleans and vicinity for the last forty years. I have had experience in quarantine matters.

Q. How far is Ship Island from the coast?—A. Twelve miles.

Q. What is the size of the island, if you know?—A. I think it is about 12 miles long by a mile or more in breadth. The trees on it can be seen from here.

Q. Upon what portion of the island is the quarantine station located?—A. On the far end from here, I believe.

Q. That would be the eastern end?—A. Yes, sir; I think so.

Q. Is there good harbor there—good anchorage?—A. It is so stated—yes, sir—by the captains. They have always told me so.

Q. Have you given any special attention to the management of the quarantine station on that island since you have been living here?—A. Nothing, except so far as general information is concerned. I have seen a physician who was there, Dr. Bullock, and early in the season he gave me all the facts in reference to the management, etc. They are very strict in not allowing anybody to come there at all during the summer or quarantine season.

Q. As far as you know, and as far as you have information upon the subject, has there been any neglect of duty on the part of the officers stationed there?—A. None at all, so far as I know. To the contrary, sir.

Q. Has there been a strict quarantine?—A. So stated by everybody. Dr. Bullock told me about it himself. He was one of the assistant quarantine physicians there.

Q. How did this complaint in regard to Ship Island originate, of which we hear so much at Washington?—A. I really do not know personally anything about it. I suppose you know that the governor of the State of Mississippi in his message recommended the abolition of the quarantine station. Perhaps it was done through objections made by the State board of health. It is likely, and is so generally believed.

Q. Well, there has been an investigation by a State commission since that, has there not?—A. Yes, sir; there has been an investigation, and the commission has reported that Ship Island is no menace whatever to the coast towns, and say that the fever was brought in by a vessel from Guatemala by a gentleman who came through New Orleans to Ocean Springs on the 4th of April, perhaps; and it happened that that gentleman was taken sick, and about two months afterwards the fever broke out in Ocean Springs, and they say that he brought the fever.

Mr. MALLORY. Are you reciting the report?

The WITNESS. Yes, sir; that is what was reported by the commission that was down here.

Q. The State commission?—A. Yes, sir.

Q. How many physicians were on that commission?—A. Three or four, I think, sir. The president of the State board of health was himself on the commission.

Q. They took testimony here?—A. Yes, sir; they took the testimony of a great many persons.

Q. And examined these different islands?—A. Yes, sir.

Q. Did they make a unanimous report?—A. I believe it was a unanimous report; I am not sure. At any rate, there was no minority report. All I saw was the majority report, which was published in the Times Democrat in their report of the proceedings of the Mississippi legislature.

Mr. GALLINGER. Is the committee of which you speak the committee that I read something about in the newspapers recently, called a legislative committee?

A. Yes, sir; appointed by the legislature.

Q. Appointed by the legislature for that purpose?—A. They came here and made a thorough investigation. I understand they went to

all the towns along the coast. There were public meetings gotten up in reference to the removal or retention of the quarantine station at Ship Island, and I think at the meeting here there were about 20 or 25 for it, and 400 or 500 against the removal.

Q. Do you know anything personally about the island called Chandeleur?—A. Personally I know nothing of Chandeleur Island at all.

Q. Do you know anything about Cat Island?—A. No, sir; I only know that Cat Island is close by. I don't know anything personally about it. I have never been there.

Q. That is where the Mississippi State quarantine station was located?—A. I understand so; yes, sir.

Q. Were you here during the yellow-fever epidemic?—A. We didn't have any yellow fever here, sir.

Q. Didn't have any at all?—A. Not in my judgment.

Q. You do not think it was yellow fever?—A. No, sir; I know it was not, if experience amounts to anything. I have seen yellow-fever cases ever since 1853. I had it myself; and I have been through a great many epidemics. Even recently I have been through epidemics of the fever in the tropics—within the last four or five years.

Mr. GALLINGER. Does your declaration, Doctor, that it was not yellow fever, apply to the epidemic in other places?

A. As to other places I can not say. I only know that what we saw here was not yellow fever. They had a fever at Ocean Springs which was dengue; and dengue is both contagious and infectious, as understood by the profession. The few cases we had here were cases of bilious fever, remittent; that is all that was. I think it was produced by atmospheric disturbances. I don't think anybody is to blame for the fever coming to the country. I think it originated here. I don't think it ever came from Cuba or that it ever got through any quarantine stations. The evidence is pretty clear in my mind that such is the fact, because in Florida they had the very same fever; they had it all around in Texas also—preceded by a very dry and exceedingly high temperature for months at a time. In all probability the atmospheric conditions may have been such as they have in Cuba and other countries, and might have produced in some cases yellow fever or something resembling it. We had dengue, the same thing, in New Orleans in 1880.

Examined by Mr. MALLORY:

Q. You, then, express the opinion, Doctor, that the disease which was prevalent at this place and in Ocean Springs was dengue?—A. We did not have it here, sir. As to Ocean Springs I do not know. We did not have any dengue here.

Q. What was the disease here?—A. It was bilious or remittent fever; bilious fever.

Q. Have you any idea of the percentage of deaths which occurred here from the disease?—A. In my practice about 1 per cent. I lost one man. I didn't see him until seven days after the fever began.

Q. Do you remember how many deaths there were in all in Biloxi?—A. There were a good many deaths. Twenty-nine, I believe. Every fever that was reported from here was reported as yellow fever, no matter what it was.

Q. Well, there were 29 cases said to be cases of yellow fever?—A. Yes, sir. One case reported as yellow fever—a case that Dr. McMillan had—I am pretty certain was a case of gastritis. The man died and it was reported as a case of yellow fever. He did not have the fever at all, as shown by the best Hicks thermometer, at any time.

Q. How many cases in all were there in town, do you know?—A. I think six hundred and some odd cases.

Q. In Biloxi?—A. Yes, sir.

Q. And only 29 deaths?—A. Only 29 deaths; yes, sir; from everything in the shape of fever.

Q. You know nothing of your own knowledge of the fever at Ocean Springs?—A. No, sir; I saw no cases there.

Q. You say you have lived in New Orleans about forty years?—A. More or less; yes, sir; and other places in Louisiana.

Q. You have had practice, I suppose, in the treatment of the disease?—A. I practiced during the fever in 1853, sir; and in 1880 and 1881 I was quarantine physician at the jetties, for the purpose of inspecting infected vessels, during Governor McEnery's administration of two years.

Q. Governor McEnery?—A. Yes, sir. And in 1878 I was secretary and treasurer of the board of health of New Orleans.

Q. Well, you have had actual experience in treating yellow fever?—A. Yes, sir. And since then I have had experience in Central America, for the last six years. I was three years employed by the board of health of Louisiana, as physician at Limon, Costa Rica.

Q. You, then, have had experience in diagnosing and treating yellow fever?—A. Since 1853; yes, sir.

Q. And from the experience so obtained you state that in your opinion there was no yellow fever in Biloxi last year?—A. Yes, sir; I did not see any, and I saw at least a hundred cases of the prevailing sickness.

Q. That were generally called cases of yellow fever?—A. Yes, sir.

Q. Have you ever been on Ship Island?—A. No, sir.

Q. You know nothing about it, then, of your own knowledge?—A. Not of my own knowledge. I know only from general report.

Q. In a general way what is the reason of the objection to the removal (if there should be a removal) of the quarantine station from Ship Island to some other place?—A. Some people consider it a menace.

Q. No; but what objection is there to the removal? Why do you and the majority of the people of Biloxi object (as I understand is the fact) to the removal of the station from Ship Island?—A. Simply because it is an established station and that is the best place for it.

Q. Is there any advantage to the port of Biloxi in having a quarantine station at Ship Island?—A. There is an advantage, so far as vessels coming here is concerned, I presume. If they had to undergo a quarantine they would have to go to the Dry Tortugas if there was no quarantine station at Ship Island.

Q. No; but, assuming that the station would not be removed to Tortugas (of course, it would not be so far removed as to interfere with commerce), what objection would there be to removing it to any other island in the vicinity, farther away from Biloxi than Ship Island is, but not too far to interfere with commerce?—A. So far as the deepness of the harbor is concerned, Ship Island Harbor is considered the deepest place and the best place for the station.

Q. Do you know it to be the fact that there are no places along this coast within a hundred miles where a station could be established?—A. Only from general report; I do not know personally.

Q. Have you ever been to the Chandeleurs?—A. No, sir.

Q. You can not state, then, anything in regard to them of your own knowledge?—A. No, sir; not of my personal knowledge.

Q. Why, if you know, was the movement started (which you say was started by the State board of health of Mississippi) to remove the

station from Ship Island?—A. I could not say. I do not know what their object was.

Q. Do you know what the alleged reason was?—A. The alleged reason was that the State of Mississippi wanted to take charge of the quarantine station and do the quarantine business on its own account.

Q. Wasn't it also urged that the Ship Island quarantine station was a menace to this coast?—A. Yes, sir.

LOUIS R. BOWEN, sworn, testified as follows:

Examined by Mr. VEST:

Q. Give your full name, please.—A. Louis R. Bowen.

Q. Where do you reside, Captain?—A. I reside in Biloxi, sir.

Q. What is your business?—A. I am a Ship Island pilot.

Q. How long have you been here?—A. I have been in Biloxi for the last twelve years. I have been a Ship Island pilot for the last three years and a half, but I have been in contact with Ship Island for the last twelve years—ever since I came to Biloxi.

Q. How many pilots are there there?—A. There was eight up to a month ago. There are nine now, sir.

Q. What are their duties?—A. To pilot all vessels, bring all vessels in, and take them out of the harbor.

Q. What sort of a harbor have they there?—A. It is a good harbor; about as good as is to be got on the coast. It has a better holding bottom than any other place on the coast.

Q. How many feet of water are there?—A. In the anchorage there is from 22 to 35 feet—that is, where the vessels load. It is about 18 or 20 feet where the vessels land at the quarantine.

Q. Have you been familiar, during the time you have been here, with the management of that quarantine station at Ship Island?—A. Yes, sir; I have seen considerable of it.

Q. How long has the quarantine station been on Ship Island?—A. Since October, 1893.

Q. Where was it prior to that time?—A. At Chandeleur Island.

Q. How far is Ship Island from the coast?—A. The nearest point of Ship Island is 10 miles from the coast.

Q. On what part of the island is the quarantine station located?—A. On the east end of Ship Island.

Q. Is any officer stationed on the west end?—A. There is only the light-house keeper and the sergeant who is taking care of the fort.

Q. Do you know whether there has been any negligence or inattention to duty on the part of the officers of that quarantine station?—A. I think there has not. They take all the precautions it is possible for a man to use. I have been in dozens of quarantines and never have seen a quarantine yet where there was so much precaution taken as at the Ship Island quarantine.

Q. Are you familiar with Chandeleur Island?—A. I have been there on several different occasions; yes, sir.

Q. Well, first, what is the size of Ship Island?—A. Ship Island is about 9 miles in length.

Q. What is its width?—A. From half a mile to 2 miles.

Q. What is the size of Chandeleur Island?—A. At present there is not more than about 2 miles of land there. It is only sand bars. I remember ten years ago we could drive with a wagon for 16 miles along the Chandeleurs, but now we can't drive 2 miles. There is about 2 miles of the piece where the light-house is standing now. The rest is all cut up into little pieces and only sand bars left there.

Q. What became of the quarantine station that was there?—A. Most of it has been washed away. One building washed away to sea, and there is but little remaining of the others.

Q. Is there a light-house on those islands?—A. Yes, sir.

Q. There is nobody there but the light-house keeper?—A. Nobody but the light-house keeper and assistant.

Q. How far is that from the coast?—A. About 24 miles.

Q. Any island outside of it?—A. No, sir.

Q. Nothing but the Gulf?—A. Nothing but the Gulf.

Q. Where is Cat Island?—A. About 6 miles west from Ship Island.

Q. How far is it from the coast?—A. About 8 miles.

Q. Is the State quarantine station on that island?—A. There was during a portion of last summer.

Q. None there now?—A. No, sir.

Q. How long did they keep it there?—A. From the 1st of May until the yellow fever, or what they called yellow fever, broke out here in Biloxi, and then they abandoned it and came ashore.

Q. How did this complaint in regard to the removal of the Ship Island quarantine station originate?—A. I don't know exactly. To the best of my knowledge, it came through the State board of health—that they wanted to get possession themselves.

Q. What is the public sentiment and feeling of the people here in regard to the removal of the station from Ship Island?—A. It is sort of divided. There are a few who favor its removal, but the majority are in favor of it remaining where it is.

Q. Are you able to state about the relative number on each side of that question?—A. I have only seen 25 or 30 people that favor the removal of it, where there are several hundred favor its remaining.

Q. And you yourself know of no cause why it ought to be removed growing out of the neglect or inattention of the officers at Ship Island?—A. No, sir. I would advise, by all means, that it stay there, as it is the only protection we have here.

Examined by Mr. MALLORY:

Q. How long have you been a pilot on this coast?—A. For three years and a half I have been a licensed pilot at Ship Island.

Q. Had you served an apprenticeship before that?—A. I did not serve an apprenticeship, but I have been working in contact with Ship Island for the last twelve years.

Q. Are you quite familiar with Mississippi Sound, up and down?—A. I am.

Q. Is there any other point that you know of on Mississippi Sound where a vessel drawing 18 feet of water can get shelter against southerly winds?—A. There is a little place at Horn Island, sir. A few vessels could lie there.

Q. How far is Horn Island from here?—A. About 20 miles.

Q. To the eastward?—A. To the eastward.

Q. That is the only place you know of?—A. That is the only place between Mobile and New Orleans.

Q. What depth of water is there at Cat Island, where the State quarantine station was located?—A. About 16 feet of water.

Q. Is there space there for a number of vessels to lie, drawing 16 feet or 15½ feet?—A. It would not be safe for a vessel to lie there. We could sail a vessel there drawing 16 feet, but it would not be safe to anchor her there, because when she shifts around her anchor might get under her and cut through her bottom. A vessel wants 5 or 6 feet of water under her bottom to anchor.

Q. What is the difference in the rise and fall of the tide here?—A. In spring tide about 3 feet, and neap tide about 16 inches.

Q. When the State was maintaining the quarantine at Cat Island at the same time that the national quarantine was maintained at Ship Island, how did you manage about vessels getting in? Where did you take them first?—A. We took them to the national quarantine first and to the State quarantine afterwards.

Q. They could not go from the national quarantine to the Ship Island loading point without going to the Cat Island quarantine?—A. Well, we had to take some of them down there and bring some outside the national quarantine limits so that the officer of the State board could be there and inspect them.

Q. In every case, then, the State board had to inspect the ships that passed through the national quarantine?—A. They inspected every vessel after it went through the national quarantine, sir.

Q. How is the anchorage at the eastern end of Ship Island as to affording security to a vessel in a southerly gale?—A. It is the safest on the coast, sir.

Q. Is there a cove at that point?—A. There is a sort of deep channel there. They could be anchored in 20 feet of water and good shelter.

Q. How many vessels could you put in that space?—A. You could anchor about 50 vessels there with ease.

Q. With a vessel coming in through the West Pass, the Ship Island Pass, from an infected port, it is your duty as a pilot to take her to the national quarantine station, is it not?—A. Yes, sir.

Q. And in doing that you pass the anchorage of the vessels loading at the western end of Ship Island?—A. We pass within a certain distance.

Q. Well, how far?—A. We were instructed by the State board and the national quarantine officials not to go to within half a mile of any vessel that lay in the harbor. We held a meeting as pilots and decided not to take them within 1 mile, and we didn't take one of them within 1 mile, and most of them 3 and 4 miles.

Q. Well, can you give a space of a mile there?—A. Yes, sir; we can give a space of 3 miles. The harbor is wide enough to give 3 miles.

Q. From your knowledge of the depth of the water and the location of the islands, it is your opinion that there is a much better anchorage at the eastern end of Ship Island than there is at Cat Island?—A. By far; yes, sir.

Q. What direction does Chandeleur Island bear from the western end of Ship Island?—A. About southeast, sir.

Q. Twenty-four miles from there?—A. Twelve miles from Ship Island, sir; 24 miles from here.

Q. From your statement I judge that Chandeleur Island is simply a sand bar a little above the water's edge.—A. That is all it is, except about a mile and a half where the light house is standing.

Q. Are there any trees on it?—A. None now, sir; there may be two or three, but not to amount to anything.

Q. Do you know where the old Government quarantine station was when it was there?—A. I do.

Q. What is now the character of the place where that stood?—A. Where the surgeon's residence stood there on dry land there is 16 feet of water now. I sounded her there not longer than two months ago.

Q. Do you know anything about the anchorage ground at Chandeleur? What is the character of bottom?—A. It is a very poor place for a vessel to shelter.

Q. I am speaking of its character as a holding ground.—A. The bottom will hold pretty fair unless it blows too hard.

Q. Where was it that vessels went to the old quarantine anchorage?—A. The island runs about north and south, and they came on the west side of the island.

Q. In your judgment, how was that for an anchorage in the fall of the year, when we have these heavy gales; would you call that a safe anchorage?—A. It is unsafe at all times of the year, in my opinion. With wind from the southwest it has a sweep of 65 miles—it has a sweep right from the Passes clean up there. With west wind it has over 20 miles of a sweep. With northwest wind it has 24 to 25 miles clean sweep; nothing to break it. When the wind is from the southeast it has a sweep of 600 or 800 miles over the Gulf.

Q. You say you never heard of any negligence on the part of the persons in charge of the national quarantine at Ship Island?—A. I never have.

Q. Have you ever made any inquiry as to whether or not there has been any?—A. Well, I have been in close contact with it all along, sir, for the last three years, and I would have seen it if there was any, very likely.

Q. Do you know whether they had any yellow fever at the Ship Island quarantine last summer?—A. That I couldn't tell you, sir.

Q. Were you there last summer at all?—A. I brought vessels up there. I believe I was ashore at the station once last summer.

Q. How far is the station from the anchorage?—A. About half a mile, sir.

Q. How far are the hospital and the other buildings from the anchorage?—A. About half a mile.

Q. But the pilots always went up to this anchorage, did they?—A. Well, we were not allowed to board a vessel coming from an infected port.

Q. Who instructed you as to that?—A. Dr. Smith, sir.

Q. The national quarantine officer?—A. Yes, sir.

Q. You were not allowed to board such a vessel?—A. No, sir.

Q. How did you pilot her in?—A. We would have to go and hail them, and if they were from an infected port we instructed them to follow us in, and we sailed in ahead of them, and when we got to the quarantine buoy we designated their berth for them—told them to go in there—and they went in and anchored themselves, and Dr. Smith would go out and put them where he wanted them.

Q. When a vessel was through with her quarantine days did a pilot take her out and carry her to anchorage, as a rule?—A. After she dropped outside the quarantine limits. Dr. Smith would let her drop outside the limits and then a pilot was allowed to go and take her out.

Q. During your experience have you known outside people, who had no connection with quarantine or pilot work, to go within the quarantine limits and go out again?—A. I have not, sir; not without being caught. I got caught once myself.

Q. Well, you don't know that that thing was ever done without the person being discovered?—A. That is right.

Q. Was your rule as a pilot to take all vessels to quarantine as they came in?—A. Every vessel that arrives at Ship Island has to be taken to the quarantine first.

Q. And there it was ascertained whether she should be retained in quarantine or not?—A. Yes, sir.

Q. Did you ever bring any vessel with fever aboard or other infec-

tious disease?—A. If there was any there last summer, very likely. If they came from infected ports we never asked them if they had any sickness aboard, but we acted the same as if they did have sickness and brought them in and left it to Dr. Smith.

Q. Where did you put the vessels that you thought were infected?—

A. Put them within the quarantine limits and let Dr. Smith put them wherever he wanted to.

Q. You located them yourself when you put them there first?—A. We took the vessels and harbored them inside the buoy, and when they went inside the quarantine buoy Dr. Smith would go inside and put them wherever he wished to.

Q. How did he get to the vessels?—A. He had a steamer there—a tugboat.

Q. And she would shift them about?—A. Yes, sir.

Q. Do you know, if a vessel was infected or from an infected port, whether she was put in the neighborhood of vessels not infected?—A. I know of no such instance, sir. No such instance ever happened since the quarantine station was removed from the Chandeleurs.

Examined by Mr. VEST:

Q. Has there been any quarantine officer stationed on the west end of Ship Island?—A. Not for several years, sir.

Q. Do you not think it would be a very good thing to have one there?—A. I don't know, I am sure. I do not doubt but it would be a real good thing to have a good competent man there, but I would not like to see men as they have been having in the State board out there.

Q. It would add to the efficiency of the quarantine, would it not?—A. I dare say it would, sir.

Mr. GALLINGER. Have they placed a buoy outside there recently so as to compel the vessels to go a certain distance from the quarantine station?

The WITNESS. Yes, sir. The buoy is placed about two miles from the ships lying in the loading berth, and all vessels must pass outside of said buoy going to the quarantine station.

ALEXANDER C. SMITH, sworn, testified as follows:

Examined by Mr. VEST:

Q. Give your name, please.—A. Alexander C. Smith.

Q. Are you stationed at the Ship Island quarantine station?—A. Yes, sir.

Q. How long have you been there?—A. Nearly two years; two quarantine seasons.

Q. What official position do you hold there?—A. I am the officer in command of the station, but am absent temporarily from the station now; I am on temporary duty at Washington.

Q. How long have you been at Washington?—A. Since the 5th of January.

Q. Prior to that time how long had you been continuously on duty at the Ship Island station?—A. Since the 10th of March, 1896.

Q. How many officials have you there besides yourself?—A. You mean medical officers?

Q. Yes.—A. One acting assistant surgeon. Last summer there were two acting assistant surgeons for a good deal of the quarantine season. Regularly, there is one acting assistant surgeon constantly there beside myself.

Q. How many attendants have you?—A. The number of attendants

is nine all the year round, and in summer the crew of the *Welch* makes six more. Then there is at present a hospital steward there.

Q. Did you have any yellow fever there last summer?—A. Yes; there was some.

Q. How much?—A. The 12th of June a vessel came in with one case of yellow fever on board. That was the first that I had. The vessel was the *Estella*. The man was down with yellow fever, according to the history given me, the day before the vessel arrived, and was sick when she arrived.

Q. Where was she from?—A. Habana.

Q. Had you treated yellow fever before, doctor?—A. That was the first case I ever had, although the preceding year there were some doubtful cases which were so extremely mild that I didn't make the diagnosis, but I treated them as if they were yellow fever; isolated them and took all the precautions possible. But there was no doubt about this case on the *Estella*. After the epidemic arose I had a good many cases.

Q. When did you have your next case after the 12th of June?—A. The latter part of August there were some doubtful cases which I treated as if they were yellow fever; that is, put the patients in the isolation hospital; but they were so mild that I was not certain. Then in September, after the epidemic began here on shore, I believe the first case in September was one sent to the hospital from Biloxi. The man had been the master of a small schooner in the harbor, and when he was taken sick they sent him to the station and I received him there. From that time on I had a good many local cases. Then, late in the year, in November, I believe it was, a vessel came from Kingston, Jamaica, with cases on board; and in December another vessel came from Kingston with a number of cases on board.

Q. Now, Doctor, be kind enough to tell us what your custom and your rules and regulations are in regard to a vessel that is brought into your limits. In the first place, tell us how far out your quarantine limits extend.—A. I believe the limits extend about a mile and a half from shore. I could tell better by the chart, but I have no chart here.

Mr. MALLORY. Marked by buoys?

The WITNESS. Marked by buoys; yes.

Q. Your hospital and station is on the eastern end of the island?—A. Yes.

Q. Which is, I understand, about 8 miles long.—A. Yes. I made it 8 miles long, measuring by the chart.

Q. And what is its width?—A. I think in the largest part it is perhaps over a mile wide. In other parts it is extremely narrow. Connecting the east and west ends there is only a neck of land, which at high tide is sometimes partly overflowed.

Q. Now, when a vessel is brought in, it is brought in by one of your pilots, of course?—A. Yes.

Q. What do you do with it when it goes to quarantine?—A. I go out and board the vessel as soon as possible after she arrives inside the quarantine limits and determine what the character of the vessel is. I have instructed the pilots always, when a vessel comes from a European port or a port that is not at all suspicious, during the quarantine season, not to bring her clear inside the limit, but only just to the limit. Then I meet her there. She is inspected, and if she is to be released she is released immediately. As to such vessels, they come no more than barely inside the limit. If it is a vessel from a suspected or infected port, she is sent in by the pilot, and I inspect her or have her inspected

as soon as possible and determine whether she is probably infected or not. Of course it is not always possible to say, but then I can get a good deal of the history of the vessel. I can determine whether or not there is sickness on board, and I can tell something of the history of the vessel in spite of the concealment of the captain. Captains are not very good about telling the truth as to the condition of the health of their vessels. If I consider the vessel dangerous I put her in the eastern part of the anchorage, a part that is marked off by buoys and separated from the other part, and is called the infected anchorage. If there are any sick on board they are removed as soon as I can get them off and put in the hospital. Even if it is not apparently a case of yellow fever or similar infectious disease, still, it is my policy to get all cases of sickness off the vessel, and then, as soon as possible, proceed with the disinfection of the vessel.

Q. How long do you keep a vessel in quarantine?—A. The rule is five days after the completion of disinfection.

Q. Where did yellow fever first appear on this coast?—A. It is said to have appeared first at Ocean Springs. Of course I was confined to the quarantine station and I never made any investigation of it myself.

Q. How far from here is Ocean Springs?—A. Ocean Springs is said to be about 4 miles east of here across Biloxi Bay.

Q. Is it a watering place?—A. Yes. It is distinctively a watering place. It is not a port.

Q. How did this complaint against the maintenance of the quarantine station at Ship Island originate, if you know?—A. The State board of health appointed a man here as coast quarantine inspector, Dr. H. H. Harralson, and very soon after he came I found that he had a good deal of fault to find with the quarantine station, and on the 24th of June, or under that date, he wrote a report to the State board of health, which I afterwards saw, criticising quite severely the management of the station. That report was made to the State board of health, or to the executive committee. I am not certain whether it was to the full board or only to the executive committee of the State board. That was the beginning of the complaints against the station, so far as I know, and I never have heard of any complaints except what were made by him.

Q. What were the charges that he made?—A. I could not repeat them all now.

Q. Did he not charge that persons were permitted to come ashore from vessels in quarantine, and to go from the shore out to them?—A. I do not think he charged that in that report. He wrote another report the 1st of October, which I did not see until along in February of 1897; he wrote this report the 1st of October, 1896. And then he made charges of that kind. One charge that he made was that employees of the station would slip ashore at night, spend some time at Biloxi, and then go back to the station, and that it was done with the connivance of the quarantine officer. I remember he made that charge in that report.

Q. Did any such thing as that ever happen?—A. No, sir; I am positive that no such thing ever occurred.

Q. How do you prevent persons from going to vessels in quarantine, or from those vessels to the shore, at night, for instance? Have you an officer on the vessel when it is in quarantine?—A. Vessels that I consider dangerous at the time, I put guards on. But I was short of men and of quarters for new men. I did not have men enough to guard every vessel constantly, and after all sick were removed and the vessel was disinfected I did not consider it a source of danger. The station was not provided with sufficient funds to enable me to have

everything I wanted, and I did not have men enough to have guards constantly, and when I considered that the vessel was not a source of danger I did not keep a guard on board; that is, after the disinfecting was done.

Q. Was your attention ever called to any instance where persons had gone from the shore to one of these quarantined ships, or had gone from them to the shore?—A. No. When that charge was made, I was anxious to learn of any instance, and I asked the president of the board of health of Biloxi if he could give me any instance or had ever heard of such a thing, and he told me that he had not; and I never was able to learn that there was any foundation for that charge.

Q. When this legislative committee appointed by the legislature or by the governor of Mississippi came down here, did they visit Ship Island station?—A. I was not here at the time. I was told they did.

Q. Are you familiar with Chandeleur Island?—A. I was there once.

Q. Do you know its present condition?—A. I saw it in the summer of 1896, and I think the condition then was about the same as it is now.

Q. What is the size of the island?—A. It is a very narrow strip of sand. The length I do not know. I only know by the chart that it is quite long, but it is not much more than a sand bar.

Q. What is its height above the level of the Gulf?—A. Where the light-house is there are sand dunes. I am not used to estimating the height of such land. There are some low sand dunes and there is more of the island at that point than at any other place I was able to see. I did not see any foliage. I do not remember to have seen any shrubs or anything on the island; possibly a little marsh grass and the sand dunes.

Q. Is it a suitable place for a quarantine station?—A. I do not consider it so. I at one time thought that possibly buildings could be put up there something as a light-house is put up, but when I came to consider the matter of anchorage there and talked with the Ship Island pilots, who knew what was required and what the character of the anchorage there was, I came to the conclusion that it was not a safe anchorage for vessels, that there would not be sufficient protection, and that it would be an injustice to require vessels to enter and lie there.

Q. Have you ever been on Cat Island?—A. I have been there two or three times. I inspected the State quarantine station there, when there was one, or the pretense of one.

Q. There is no station there now, but there was one last summer?—A. Well, there were two tents, and they had buoys marking the anchorage, and they had some disinfecting material, a small floating disinfecting plant, and a tugboat. All that I ever saw of a station on the island was two tents. I was afterwards told that they put up a small, rough building, but I did not see it.

Q. What sort of building have you at Ship Island; commodious and safe buildings?—A. They are not large enough for the station. There are not sufficient accommodations.

Q. What is the size of your hospital? How many patients can you accommodate?—A. The hospital is the best building of all. I could easily accommodate a dozen patients. By crowding I could, of course, put more in. I could accommodate a dozen comfortably, besides having room for two attendants, and an office and bed room for the medical officer, if one stayed there constantly, a kitchen, dining room, and bath-room.

Q. Doctor, have you ever had any officer stationed at the west end of that island?—A. There has been none stationed there during my time.

Q. Do you not think that would be a good arrangement?—A. Either that, or else a better boarding boat with which we could cruise around that end of the island and board vessels. It would be necessary, if an officer were stationed at the west end of the island, for him to have quarters erected there; it would be necessary for him to have a boat, and a wharf as a means of landing, and that would practically mean another small establishment. It is my impression that it would be better to have the whole thing at the present quarantine station, and then, with a steam launch, a vessel of some size and speed, it would be possible to go out to that end of the island and board vessels.

Q. What is the width of the pass or channel there?—A. That I could not tell. The pilots would be able to tell you better than I can.

Examined by Mr. MALLORY:

Q. Doctor (without wishing to be impertinent), how old are you?—A. I am 37 years old.

Q. How long have you been in the Marine Hospital Service?—A. Nearly nine years.

Q. How long had you been practicing before you went into the service?—A. I had been a graduate of medicine for two years, and had been practicing as a hospital interne; I had not been in general practice. I entered the service very soon after I was graduated. I was interne first at a marine hospital, then passed the examination and was appointed as a commissioned officer.

Q. Two years after you had graduated in medicine?—A. Yes, sir.

Q. Were you ever stationed at a quarantine station before you were sent to the Ship Island station?—A. I was not.

Q. This is your first station?—A. Yes, sir.

Q. Are you by birth a Southern man or a Northern man?—A. I am a Northern man by birth.

Q. In what State were you born?—A. New York. I wish to modify one thing I said. I had done a little quarantine work in interstate quarantine before assignment to the Gulf Quarantine station, but I had not been at a quarantine station.

Q. I believe you stated that you had never seen a case of yellow fever before you saw it here last summer?—A. I so stated.

Q. You diagnosed that case, I believe, as one of yellow fever. Did you have a post mortem examination?—A. The patient did not die. I didn't have the opportunity.

Q. He recovered?—A. Yes, sir.

Q. This man was taken sick on board ship before he arrived?—A. Yes, sir.

Q. What was his condition when you saw him?—A. He had fever (I can not tell his temperature), but it was a moderately high fever. His face was flushed and dusky. His eyes were suffused, reddish looking. He had a moderately quick pulse, neither very quick nor very slow. It was hard to get much of the history of the case from him. He was a Russian Finn, spoke scarcely any English, and with that class of men I have to judge more by what I can see than by what I can learn from them.

Q. Do you remember his name?—A. I do not.

Q. Haven't you got it in your record there?—A. No; I haven't the record of hospital patients with me. I do not think his name appears in any of the books I have with me.

Q. Had he had any treatment before you took him in charge?—A. I do not recollect that the captain had given him anything. That I can

not tell. They very often give a cathartic, but in this case I do not think he had had any medicine.

Q. How long had he been sick when you first saw him?—A. About twenty-four hours.

Q. Did you take him ashore, or did you treat him on board the ship?—A. I took him ashore immediately.

Q. How did you treat him?—A. In this particular case it might be hard for me to tell. I know what my general treatment is, though, and I followed it in that case. I give a calomel cathartic, and after that absolutely no quinine at all. My theory is to give a yellow-fever patient as much water as I can force him to drink, and in order to make him drink water I give him common salt, and I did so in this case—about 30 grains of common salt a day, and very little to eat.

Q. Did he have any disposition to eat?—A. Not at first. He got very hungry before I increased his diet, but at first he did not have very much appetite.

Q. How long did his fever continue after you saw him first?—A. Two days or a little more. I think two days and a fraction. Then it went down rather suddenly. After the fever went down the pulse became very slow.

Q. Did his fever return?—A. My recollection is there was no return of the fever. The temperature went below normal and stayed below normal for some days, then came back to a natural condition.

Q. During that depression of the pulse how did you treat him?—A. Simply kept him very quiet and did not increase his diet for two or three days after the fever went off.

Q. Then he became hungry?—A. He became hungry before I increased his diet, but I increased his diet slowly.

Q. How long was he sick under your charge? When did he get out of bed?—A. I could not tell just when he got out of bed. I can find from this book how long I had him at the station. I think it was about two weeks. [Referring to a book.] I discharged him July 1, but he had really been well for some days before that. I removed him from the isolation hospital June 26. Fourteen days I had him in the yellow fever hospital.

Q. You then regarded that you could discharge him from further observation?—A. Yes. Although I kept him until July 1, because I was anxious that no one should have any fear of him after he left the station.

Q. How do you fumigate ships over there?—A. A very important part of it is gathering together all bedding and clothing and subjecting them to moist heat in the steam chamber on the disinfecting barge and steaming the clothing of the crew. Then, after getting a change for them which has been steamed, I make them change the clothing they have on and subject that to the steaming process.

Q. How long is that subjected to the steaming process?—A. Half an hour after the temperature reaches boiling point; that is, after it reaches 212° F. We carry it a little above 212° F.

Q. How do you fumigate the vessel itself?—A. We have a sulphur furnace, with a fan connected with it, and with that we blow sulphur fumes into the hold.

Q. Do you fasten down the hatches?—A. Yes; and make them tight. In the cabin and forecastle it is hardly practicable to put in the large hose, and we depend upon burning sulphur in pots.

Q. You fumigate the hold of the ship, though, through the hose?—A. Through the hose.

Q. The hose is connected with the apparatus on your fumigating barge?—A. Yes; the sulphur furnace and the fan are on the barge.

Q. But you fumigate with pots in the cabin and forecastle?—A. Yes; for twenty-four hours in the cabin and forecastle. If it is a wooden vessel the hold is left closed forty-eight hours. After opening, the whole vessel is washed with a solution of bichloride of mercury.

Q. In your experience have you had to fumigate a vessel and cargo in any instance?—A. Only cargoes of lumber. I believe those are the only cargoes I have had to fumigate.

Q. A vessel bringing lumber here?—A. Yes; one vessel was loaded with logwood, and another, I think, with mahogany. It is very seldom that any cargo is brought here. This is not really an importing point, and vessels usually come simply in ballast.

Q. What do you do if a vessel comes with ballast, say, of dirt, from Rio de Janeiro, or from the Barbados, or from Havana, before discharging the vessel?—A. There is a dumping ground in shoal water near the station that we set apart for the discharge of ballast.

Q. Is that an inclosure?—A. It is not marked off in any way. I have the vessel anchor conveniently to that place, and then we furnish the barges and let the crew themselves discharge the ballast onto the barges, under the supervision of an employee of the station; then they take the barge out into shallow water, and dump it there. The water there is about 6 feet deep.

Q. Do you know whether much of a current runs through there?—For instance, the same current that runs through here?—A. Well, as you get into shoal water the current is not of importance.

Q. Wouldn't it be better to build a crib, and dump the ballast inside of a ballast-tight crib?—A. It would be a great convenience if there were a crib that the vessel could go right up to. Of course it would save the vessel time and labor.

Q. Have you any idea what the cost of the plant that you have there now was? Do you know what it cost the Government to put it there, or what it would cost to replace the same kind of a plant elsewhere, say at Cat Island or Chandeleur?—A. That would depend on how elaborate the plant was.

Q. I am speaking of the same style of plant that you have at Ship Island. I believe you have a barge that is movable?—A. Yes; the barge is the hulk of a schooner.

Q. As to your stationary plant there, you have a hospital that will accommodate 12 people, you say?—A. Yes, sir.

Q. You have also, I suppose, a building for yourself?—A. Yes; surgeon's quarters.

Q. Is there a separate building for an assistant?—A. No; there is not. There is only one other principal building, the executive building; and we have to accommodate everybody else in that building.

Q. When you fumigate a ship what do you do with the people who are well?—A. I have to leave them on board. The weather is very mild here during almost all of the quarantine season, and they are able almost always to stay on deck.

Q. While the fumigating is going on?—A. Yes; the master of a vessel I can accommodate on shore, and his family, if he has any, and I commonly do so. But there are really no accommodations for the crew of the vessel, and they have to leave someone on board to watch the vessel anyway. I would not undertake the responsibility of leaving a vessel without any of the crew on board.

Q. Well, Doctor, have you heretofore had any means whereby you

could prevent sailors on board vessels that were from infected ports, the vessels themselves not being infected and on which you had no guard, from running away and going ashore if they so desired?—A. No; there has been no means, but I have regarded it impossible for them to do so without my discovering it. It never has happened while I have been there, but I have not had any patrol.

Q. Have you any means of preventing people from the land who want to go aboard those ships, say to solicit business, stevedore business, butcher's business, or the ship-chandler's business, or business of that kind; have you any means at your disposal by which you can prevent access to those ships having no guards?—A. No.

Q. Then you simply have to rely upon the disinclination of people to violate your rules and break your quarantine?—A. That is about it. Of course I do not run any risk on vessels that I consider dangerous.

Q. Well, I am speaking now of a vessel coming from an infected port, and which has no disease aboard, but which you think is sufficiently suspicious to justify surveillance. As I understand, you do not keep a man aboard of such a vessel?—A. I have not done so. I had intended to establish a patrol this year, a night patrol.

Q. Have you a steam launch or naphtha launch?—A. There is a small naphtha launch, but it is too small to be used if there is a heavy sea running or a strong wind.

Q. What is the size of this tugboat—the *Welch*?—A. I believe the length is 126 feet. But she is engaged so much in the work of disinfecting that I have not considered her suitable for any other work. I have never used her for boarding purposes. And the only crew the *Welch* has had have had so much work to do in the daytime in disinfecting vessels, and so forth, that it would be impossible to make them do night duty.

Q. You spoke of the brig *Estella* that brought this man to the station with yellow fever. How long was that brig retained in quarantine?—A. From June 12 to 19—seven days.

Q. Was she allowed to leave the station after seven days?—A. Yes.

Q. Had she been fumigated?—A. Yes. The disinfection was begun on the day of her arrival, as soon as I could get the sick men off and prepare the vessel.

Q. Do you know how many days she had been from Habana?—A. Seven days from the port of departure.

Q. So fourteen days from the time she left Habana, she was given pratique?—A. Yes.

Q. Do you know, Doctor, of a charge (I do not know who made it) that the captain of the *Estella* visited Mobile on the fifth day after her arrival?—A. Yes. It was not on this voyage, but I have heard that charge, and can tell you all about it.

Q. I wish you would tell us about that.—A. She came again on August 19, and at that time she had no sickness on board, but there was a history of a death, which was a bad history.

Q. A death on the voyage?—A. Death on the voyage; and I considered her a dangerous vessel. She was kept seven days on that occasion also, and was released August 26. The captain was under my eye, I might say, constantly. The vessel was inspected every day. It would have been impossible for him to have been absent at any time without my knowledge, and he was on board and within the confines of the quarantine station from the time the vessel arrived, on the morning of August 19, until the afternoon of August 26. That I know to be absolutely true. I know of the charge having been made that he was seen

in Mobile August 24. Surg. R. D. Murray became interested in the matter, and investigated it himself to some extent. It was from him I learned about it. I talked with Dr. Rhett Goode, of Mobile, on the subject. Dr. Porter, of Florida, had made an inquiry of Dr. Goode, and Dr. Goode answered the inquiry. I have seen the correspondence. Dr. Goode told me this was his information: The *Estella* was a British vessel, although the owner, and I think the crew also, were Americans. The captain lived in Mobile, I think. Dr. Goode went to the British consul at Mobile and inquired if the captain had been seen there at such a date, and the British consul said he had not seen him at all. He then went to the ship's broker, Mr. Shearer, and asked him, and Mr. Shearer said that the captain was in Mobile, he thought, on August 24, but was not entirely certain of the date. That was the evidence, Dr. Goode told me, on which he made the statement.

Q. Now, since then, your attention having been called to it, has it been pushed any further as to whether Mr. Shearer's recollection was verified by any subsequent inquiry on his part?—A. Not so far as I know.

Q. You know nothing further?—A. I know nothing further about it.

Q. And it was an impossibility for him to have been in Mobile on the 24th of August?—A. Yes; it was impossible. Dr. Murray told me that he did reach there on the midnight train August 26. That is to say, the vessel left the quarantine station shortly after noon on August 26. The captain got on board one of the tugboats in the harbor very soon afterwards, and came to Biloxi or another of the coast towns and took the train, reaching Mobile late that night. Dr. Murray told me he found that to be the case.

Q. What is the distance between the western limit of the quarantine station and the place where the vessels anchor for taking on cargo at the western end of Ship Island?—A. Between 3 and 4 miles, I should say. Of course the vessels may be strung out. Necessarily the two anchorages adjoin each other. I have no control outside the limits of the quarantine anchorage.

Q. Well, as a general thing there is at least two miles of space, or three miles, between a vessel anchored in quarantine and the nearest vessel at the loading berth?—A. Yes. When a vessel is discharging ballast there is a ballast ground that is a little nearer the quarantine station, and the distance then is probably two miles between vessels discharging ballast and those lying in the quarantine anchorage.

Q. What interval do you allow between vessels that are infected and vessels that are healthy, in the quarantine anchorage?—A. At least half a mile.

Examined by Mr. GALLINGER:

Q. Doctor, I want to ask you about this State quarantine station that was established on Cat Island. Who constituted the force there?—A. Dr. H. H. Harralson, the State quarantine inspector, was directly in control of it, but he didn't remain there; he lived in Biloxi. He was the chief under the State board. He had an assistant who was supposed to stay there, but I do not know how much he staid there. I know that in the year 1896 he didn't stay there very constantly, because I went there once to inspect the station and found no one there. In the year 1897 the assistant, I know, did stay there more faithfully; whether constantly or not I can not say. And then the station had also some boatmen.

Q. Do you charge a fee for inspecting vessels?—A. None; no fees whatever.

Q. Any fee charged by the State quarantine board?—A. Yes.

Q. It seems that after vessels were inspected by the national authority, the Marine-Hospital Service, they were passed over to the State authorities at the Cat Island quarantine station. Is that correct?—A. Yes; and for a little while, early in the year 1897, the State board passed a set of rules which they intended should have the effect to supersede our quarantine altogether. They had then obtained a disinfecting plant—a floating plant—at Cat Island, and they made rules and imposed them on the pilots which were intended to force vessels to go first to Cat Island station. Under those rules some four or five vessels did go first to that station. The State health officers then found that the pratique of their station would not be recognized by the collector of customs, and I was told that they applied to the Secretary of the Treasury, and the Secretary of the Treasury informed them that the pratique would not be recognized; that the station was not considered competent to do the work. Then they dropped it. That was the only time when they did the work first. On other occasions vessels have first been passed upon at the national quarantine station and then by the State health officer.

Q. And after being inspected by the Marine-Hospital Service they were taken to Cat Island by the pilot, under direction of the State medical authorities?—A. Yes; except that a great deal of the time the vessels were not forced to go clear to the station. They did in some cases oblige vessels to go clear to the station, but a great deal of their inspecting was done either just outside the limits of the national quarantine station or else over in the main harbor.

Q. Have they a station on Cat Island at present?—A. I do not think they have anything there. There may be the remains of the building that they put up. They are not maintaining a station there now, as I understand it.

Q. Now, I want to ask you as to this contention that the quarantine station should be removed from Ship Island. Is that a controversy between the national and State medical authorities?—A. Yes; I think it amounts to that.

Q. What percentage of deaths occurred in the cases that you call yellow-fever cases, and which you treated on Ship Island?—A. Of those that I treated—I had 23 cases—no deaths occurred.

Q. Did I understand you to say that you isolated your suspected cases always?—A. Yes; cases that I considered doubtful I put in the isolation hospital.

Q. Well, Doctor, isn't it very difficult to differentiate between bilious remittent fever and yellow fever?—A. In some cases I think it is. I think a well-marked case of yellow fever ought not to be mistaken, but the cases that puzzle are the very mild cases, and there are such which it is very hard to tell.

Q. In every instance, then, the committee are to understand that you isolated your cases, even when you only suspected that they were cases of yellow fever?—A. Yes.

Q. And you have no reason to believe that any parties came from Ship Island to the shore after they might have been exposed to this epidemic, whatever it may have been?—A. I am confident that no such case occurred.

Q. And with the force at your command you used every precaution to have knowledge on that point. Is that correct?—A. Yes.

Examined by Mr. McENERY:

Q. After a ship is thoroughly disinfected there is no danger to any-

body in going aboard her, is there? I mean after she has been thoroughly disinfected in every part, all of her apparatus, and has been treated with bichloride of mercury, etc.; in other words, that if the ship has been thoroughly disinfected there is no danger whatever to anybody in going aboard her?—A. I consider that there is no danger at all.

Q. Now, could not this communication with the coast be avoided by putting ashore the crew of a ship, disinfecting the ship, and putting her in charge of one of the quarantine officials?—A. That could be done.

Q. And then there could be no communication which might be dangerous?—A. The only question would be the risk to the vessel. If anything should happen to the vessel under such circumstances, I imagine they would have a just claim upon the Government.

Q. I believe that system was at one time adopted at the Louisiana quarantine station. The ship was disinfected and detained for a short time, then permitted to go on up to the city in control of a new crew?—A. Yes, I know that has been done.

Q. And in the meantime the crew was put on shore, under probation, and watch?—A. Yes.

Q. So there could be no communication between the city and the quarantine station. Now, if that plan should be adopted at Ship Island, would it not prevent communication between the vessels and the shore and avoid the spreading of any contagious disease?

Mr. GALLINGER. The witness said the objection to that would be that if anything happened to the ship while the crew were ashore there might be a valid claim against the Government.

Examined by Mr. GALLINGER:

Q. I wanted to ask you, Doctor, whether or not during this epidemic, while you were treating cases of yellow fever on Ship Island, you were in constant communication with the Marine-Hospital Service at Washington.—A. I was.

Q. And received directions from that source as to your course of procedure and management of the station?—A. I could have, at any time, if anything doubtful came up. Of course I have general regulations to follow, and it is only in some unusual case that I might ask for instructions.

Q. Of course you reported to Dr. Wyman every case of yellow fever that came under your observation, did you not?—A. Yes, sir.

Q. And are the rules and regulations under which you conduct the quarantine station very strict?—A. Yes; they are quite strict.

Q. And you carried out the rules of the Marine-Hospital Service in the conduct of the station, in the management of these infected patients, did you?—A. Yes, sir.

Mr. MALLORY: Do you mean to say by that, Doctor, that you received instructions as to how to treat the patients?

A. Oh, no; I don't mean anything of that kind. Occasionally something will come up that I will have to refer to Washington, but of course not minute details like the treatment of patients.

L. C. TEBO, sworn, testified as follows:

Examined by Mr. VEST:

Q. State your name, residence, and business.—A. My name is L. C. Tebo. I am a doctor of medicine. I live in Biloxi, and am a practicing physician here.

Q. How long have you lived here?—A. About eight years—between seven and eight years.

Q. And have been engaged in the active practice of your profession during that time?—A. Yes, sir.

Q. Have you had any experience in the treatment of yellow fever?—A. Yes, sir.

Q. Have you had occasion to notice the manner in which the quarantine station on Ship Island has been conducted during that time?—

A. I have never been at the quarantine station. I have been on the island several times. I have no knowledge of how matters have been conducted at the station proper.

Q. Do you know of, or have you had any information as to, any negligence on the part of the officials there?—A. No information except rumors. I know nothing of my personal knowledge.

Q. What were these rumors? Did they come from an authentic source?—A. They were only such as have been mentioned to you—the charges brought by the representatives of the State board of health—that is all. I know of no others.

Q. Was there any yellow fever here last summer?—A. Yes, sir.

Q. Did you treat any cases?—A. Yes, sir.

Q. How many?—A. In the neighborhood of a hundred.

Q. Within your knowledge, or in your opinion, how did the fever get here?—A. I made some investigations during the epidemic and traced its origin to Ocean Springs. It first made its appearance there in the latter part of April.

Q. Where did it come from to Ocean Springs?—A. From Guatemala via New Orleans. It came through the New Orleans quarantine. The individual who brought the fever resided in Ocean Springs.

Q. It didn't come through Ship Island?—A. No, sir.

Q. Do you know anything personally about Chandeleur Island?—A. I have been on the island.

Q. How long ago?—A. Some two or three months ago.

Q. What is its condition?—A. It is nothing but a sand dune. It was almost entirely swept away by the last storm we had—that is, the portion of the island where the quarantine station had been located.

Q. Not a suitable place for a quarantine station?—A. I should judge not; no, sir.

Q. Do you know anything about Cat Island?—A. No, sir.

Q. What is the public opinion here in regard to the removal of the Ship Island station?—A. A large majority of the people are opposed to its removal.

Examined by Mr. MALLORY:

Q. Doctor, what point on the Sound furnishes cargoes for the ships that load at Ship Island, if you know?—A. Do you mean lumber?

Q. The different cargoes that they have.—A. I think timber and lumber are the principal articles of export. It comes from back in the country here—from up the Biloxi River—and from Scranton, and from around all of these localities.

Q. Does not Scranton ship most of her timber this way—by way of Ship Island?—A. I believe so; yes. I have no personal knowledge of how that is done. I only know from general conversation that these vessels are loaded out there from rafts and schooners that carry the timber from these various points.

Q. Do you know whether there is any desire on the part of the people of Scranton, and other places between here and Scranton, for the removal of the Ship Island station?—A. I do not think they are in

favor of its removal, except it be to bring it nearer to themselves. I think there is something in that. Horn Island would be nearer than Scranton.

Q. What is the distance from Scranton to the Ship Island loading station, if you know?—A. I do not know. I should judge it is farther from Scranton to Ship Island than from Scranton to Horn Island.

Q. In your judgment, Doctor (you say you have been here eight years), what is the reason some of the citizens of Biloxi wish to have the quarantine station removed from Ship Island?—A. Those who advocate its removal regard it a menace to the health of the coast.

Q. What reason leads those who oppose its removal to wish to keep it here?—A. Well, they do not regard it a menace to the health of the coast.

Q. Is that the only reason?—A. There might be other reasons. Business and commercial reasons may, of course, have their influence.

Q. Is it not more convenient for Biloxi to have the quarantine station at Ship Island than to have it farther away?—A. Certainly.

Q. On Horn Island, for instance, or the Chandeleurs?—A. Oh, yes; that is evident, of course.

Q. Do you know whether (in your opinion, of course) the real cause of the controversy is not a rivalry between the national health authorities and the State health authorities?—A. I should rather regard that it was a rivalry between the health authorities of Mississippi and the national health authorities.

Mr. VEST. You mean the Marine-Hospital Service?

The WITNESS. Yes.

Examined by Mr. GALLINGER:

Q. Doctor, did I understand you to say that you treated about 100 cases of yellow fever during the last epidemic?—A. About that number; yes, sir.

Q. What number of deaths occurred in your practice?—A. I did not lose any.

Q. Did you ever know of any other epidemic of yellow fever, since the world began, where 100 cases were treated by a physician and he did not lose one?—A. Well, in my childhood I heard physicians boast that they had two, three, and four hundred cases during an epidemic and had not lost a case.

Q. Of yellow fever?—A. Of yellow fever; yes.

Q. What occasioned this great panic that seemed to have taken possession of the minds of the people if there was a less mortality in yellow fever than there is in chicken pox or measles?—A. Well, the dread of yellow fever is such. You, as a Northern man, ought to know how you feel toward yellow fever. And the people in the States where yellow fever prevails have as mortal a dread of yellow fever as you can possibly have of smallpox or Asiatic cholera; and the moment a case of yellow fever is proclaimed, of course a panic ensues, many people leaving for fear of being quarantined, and others for fear of the disease itself. A great many left here during the last summer more out of fear of being quarantined than of anything else.

Q. As a matter of fact, then, the epidemic was of the mildest possible type, was it?—A. Yes, sir.

Q. Still you are sure that it was yellow fever?—A. Yes, sir.

Q. You have no question in your mind about that?—A. No question in my mind. I am familiar with yellow fever.

Q. You had treated it in former years to a great extent?—A. Yes, sir; epidemics in New Orleans. I am quite familiar with its character.

W. P. McMILLAN, sworn, testified as follows:

Examined by Mr. VEST:

Q. State your name, place of residence, and business.—A. My name is W. P. McMillan. Biloxi is my place of residence. My business is practicing physician.

Q. How long have you lived in Biloxi?—A. Something over seven years.

Q. And have practiced your profession all the time?—A. Yes, sir.

Q. Are you familiar with the treatment of yellow fever?—A. Yes, sir; I have treated it.

Q. Did you have yellow fever here last summer?—A. I did not have any cases in my practice that I considered cases of yellow fever.

Q. Did you have fever in any form here?—A. Oh, yes; I treated a great many cases.

Q. What sort of fever was it?—A. It was a bilious remittent fever. Most of the cases I saw and treated I treated for that.

Q. But not yellow fever?—A. Not yellow fever, in my practice.

Q. Are you familiar with the workings of the quarantine station on Ship Island?—A. No, sir; I don't know anything about it except what I have heard.

Q. You have no personal knowledge of it?—A. No personal knowledge at all.

Q. Do you know of any cases of neglect or inattention on the part of the officials there—the Government officials?—A. No, sir; I never heard of any.

Q. Do you know anything about Chandeleur Island?—A. No, sir. I have never been there. I don't know anything about it except from hearsay. It is pretty much all washed away. I remember the time when it was washed away. I saw some of the parties who were rescued from there—one of the surgeons—a friend of mine.

Examined by Mr. MALLORY:

Q. Doctor, you say you have had experience with yellow fever?—A. Yes, sir; I have had some experience. I have never treated a very severe epidemic of it, but I have treated some few cases of it years ago.

Q. When and where?—A. In 1868, at Natchez, Miss.

Q. Was that the only time you ever treated it?—A. No, sir. I had it myself in 1854.

Q. Where was that?—A. In Woodville, this State, near Natchez.

Q. You have treated it at Natchez?—A. Yes, sir.

Q. And at any other place?—A. No, sir.

Q. Is there any similarity between bilious remittent fever and yellow fever?—A. Yes, sir; in many cases I think there is some similarity.

Q. Are you quite sure, however, that the disease you treated here was not yellow fever?—A. I am sure of it.

Q. How many fatalities accompanied your practice; how many cases did you treat where the patient died?—A. I did not treat any that died, sir.

Q. One hundred per cent recovered?—A. I did not treat any that died. I treated 123 cases of fever from the 1st of September to the last of November.

Q. Had you ever heard of any such universal escape from death on the part of yellow-fever patients in any other epidemic?—A. I never did, sir.

Q. I mean in any epidemic of yellow fever?—A. I never did, sir. I do not think there has been.

Examined by Mr. GALLINGER:

Q. Did you at any time consult with the gentleman who has just given testimony (Dr. Tebo) in any of his cases? He says he treated 100 cases of yellow fever.—A. No, sir.

Q. You did not see any of his cases?—A. No; I consulted with my friend Dr. Taylor in cases of his and ours.

Q. And you treated 123 cases of fever during that time without a death?—A. Yes, sir.

J. B. LEMON, sworn, testified as follows:

Examined by Mr. VEST:

Q. Where do you reside, Mr. Lemon?—A. In Biloxi.

Q. What is your business?—A. Druggist.

Q. Do you know anything about the manner in which the business of the quarantine station on Ship Island has been conducted for some years?—A. Yes, sir. For the last fourteen years I have been more or less interested in it. I have taken an interest in it as a citizen.

Q. Do you know of any case of negligence or inattention on the part of the officials there?—A. None whatever, sir. I have never heard of any at all. I have never heard of any negligence on the part of the Marine Service, and I have always heard people who have been running out there say that it is more than they dare to do to go inside the line—bumboatmen.

Q. Do you know of any man getting off from vessels at quarantine in the nighttime and going ashore, or going from the shore up to them?—A. No, sir. It is almost impossible for them to do it, because if you get a fair wind to come in with there is no telling what time you can get back, and if you go out there in a fair wind it might take till next morning getting ashore again.

Q. It is about 10 miles to the nearest point of the island, is it not?—A. Yes, sir.

Q. Are you familiar with the condition of the Chandeleur Islands now?—A. No, sir; not since the storm.

Q. How did this trouble or talk about removing the station from Ship Island originate?—A. Through the State board of health; they first started it; Dr. Harralson, I believe.

Q. How do you people here stand in regard to it?—A. I think about 25 or 30 out of the community want it removed.

Q. What is your population here?—A. About 5,000.

Q. And you think there are but about 25 that want it taken away?—A. That is about all, 25 or 30.

Examined by Mr. MALLORY:

Q. What business does Biloxi do with the shipping at Ship Island?—A. They do a general business. If a ship comes here she buys her stores generally, and every ship that comes to this port disburses from \$2,500 to \$3,000 on an average. It will average about \$4,000 each.

Q. That is disbursed to the business of the place?—A. Yes, sir.

Q. There is a sawmill here, I believe, is there not?—A. Yes; there is a sawmill located here in Biloxi, but it does not supply any lumber to the ships.

Q. The lumber that is shipped from Ship Island, then, comes from some place else?—A. From the back bay here, a good deal of it; some comes from Scranton and Moss Point.

Q. Then the interest Biloxi has in having the shipping here and the quarantine at Ship Island, I suppose, is on account of the business of

the place. Isn't that it?—A. Yes, sir. If you take the shipping away from this place we will have a summer resort of about the same size as Ocean Springs is.

Q. I judge, then, that one of the reasons why the people of Biloxi do not care to have this quarantine station removed is that it would deprive them of a good deal of business they would otherwise get?—A. Yes, sir; that is it.

As to that boat, the *Estella*, my father, being British vice-consul here, keeps a record of all the English ships that enter, and he has a record here [producing book] of the day the captain came ashore and deposited his papers, and I can testify that he went to Mobile that night, which was on August 27, 1897.

Mr. MALLORY. That was the day she was released from quarantine?

The WITNESS. Yes; the day she was released from quarantine he came ashore. I couldn't say exactly whether it was the day or the day after he was released from quarantine.

Mr. GALLINGER. Doctor Smith testified it was the 26th when the release was made, I think.

Doctor SMITH. Yes. Of course, I do not know what he did after he left the quarantine station.

The WITNESS. Then he came in and deposited his papers and went to Mobile on the night of the 27th on the 10.30 train.

Mr. MALLORY. So, if he was seen in Mobile in the daytime, he must have been seen there on the 28th at the earliest?

The WITNESS. Yes, sir.

J. V. HAGAN, sworn, testified as follows:

Examined by Mr. VEST:

Q. Where do you reside?—A. In Biloxi.

Q. What is your business?—A. I am in the ship chandler business.

Q. How long have you lived here?—A. About twelve years.

Q. Are you familiar with the way in which the business of the quarantine station on Ship Island has been conducted?—A. Yes, sir.

Q. Do you know of any cases of neglect or inattention on the part of the officials there?—A. No, sir; on the contrary, they have been very strict and very attentive to their duties. My business brings me in connection with Ship Island a good deal; principally, it is all done out that way, and in that way I have known how they work the quarantine station.

Q. Do you know the present condition of Chandeleur Island?—A. Yes, sir; I was out there a short while ago. It is nothing more than a sand point now. Since the storm of 1893 it has all washed off.

Q. There is no place for a quarantine station there?—A. No, sir.

Q. Do you know of any other place around here where a station could be established?—A. No, sir. The other islands are all closer to the mainland than Ship Island is, and Ship Island has a good anchorage, while the other islands have not as good anchorage and are much closer to the mainland, by probably 2 or 3 miles.

Examined by Mr. MALLORY.

Q. Your business is ship chandler, you say?—A. Yes, sir.

Q. Are there other ship chandlers here?—A. Yes, sir.

Q. How do you gentlemen do business with ships coming in here?—A. It is sent out by steamers. They make contracts with the vessels to do all such work, such as taking mail and taking stores out there. Sometimes they meet a vessel at Ship Island, and when a vessel comes

in that is infected they have to wait until she gets released from the quarantine station before they can make any arrangements at all.

Q. Who meet the ships at Ship Island?—A. The two steamers that run out there; and it is a very common occurrence when a vessel goes in and is about to be released from quarantine to see the two steamers lying right at the edge of the quarantine limit watching for the vessel to be released.

Q. You are a ship chandler here, and it is customary for you ship chandlers to solicit the business of these ships?—A. Yes, sir.

Q. Through your representatives—runners?—A. Yes, sir.

Q. Now, can you state whether there has ever been a case where a representative of the ship chandlers or any other of the business men of this place has gone into the quarantine station to solicit business?—A. No, sir.

Q. You know of no such instance?—A. No, sir.

W. L. COVEL, sworn, testified as follows:

Examined by Mr. VEST:

Q. State your name.—A. W. L. Covel.

Q. Your residence.—A. Biloxi.

Q. Your business.—A. I am a civil and hydraulic engineer.

Q. How long have you lived here?—A. About ten years.

Q. Are you familiar with the workings of this quarantine station on Ship Island?—A. Well, no; I am not familiar with it. I know something of it.

Q. Do you know of any instance of negligence on the part of the officials?—A. I never heard of any negligence until this question of moving the quarantine station arose. Never heard of it before. I had a little steamer here that I used to run around the harbor out there; was around there a good deal, but I never saw anything or heard anything. On the contrary, I was caught there once just over the line, and I know it took some awful hard begging to get out; and I didn't suppose I was anywhere near the line, but they told me I was, and it took me two hours to get clear, and I was fully 2 miles from the land.

Q. How did this trouble about the removal of the station originate?—A. It seems to have been brought up by the State board of health. We trace it all to that. We find that they were the first to bring these charges, and that is the first we knew of it. The present board of health, soon after they came here last spring, gave out that we would have yellow fever here before fall. That was the first that we heard of it. It was told that we would have it; and at the time we had this fever here, or the fever we had last summer, we had not an isolated case, but we had a good deal of it; and I suppose at the time yellow fever was declared here there were not less than a hundred cases in the town, and my neighbors had it—had it the year before—and when they declared that we would have yellow fever, why, we laughed at it, and we were sure there wouldn't be any such thing, and we had no fears of it; but later on in the season, when they declared it to be yellow fever, we then thought that as soon as it was investigated it would turn out to be nothing but a scare, but we discovered about that time that there was something a little peculiar happening, that a quarantine line was run through the city, cutting off a certain portion of it, and on the other side of that, between that and the county quarantine line, was a sanitarium started about that time. Now, I don't know that there is any connection between the two, but it was a very peculiar circumstance that those

people that were in favor of removing the quarantine station from Ship Island were stockholders in the sanitarium. They were either stockholders or working for those men. They were interested with them. Well, of course, the people got hold of that pretty quick and made rather a vigorous kick about this quarantine line, and after a little they moved it, and since that time the sanitarium has gone out of sight. We don't know anything more about it; and now we find that the only people that are opposing the quarantine station to-day are these people and those who are beholden to them for their living—something like that—working for them. It is a very small proportion of the population.

Examined by Mr. MALLORY:

Q. You say there is a small proportion of the population. Do you know any of those who oppose the maintenance of the quarantine station in its present location?—A. Yes, sir.

Q. Who are they?—A. I went out a few moments ago and tried to find some of them, but I couldn't.

Q. Will you name a few of those who oppose it?—A. There is Mr. L. L. Lopez.

Q. What is Mr. Lopez's business?—A. He is a merchant—an oyster dealer.

Q. Who is the next man?—A. W. K. M. Ducate.

Q. What is his business?—A. He is a partner with Mr. Lopez.

Q. Can you mention any others?—A. Then comes the State board of health, Dr. Harralson, Dr. Takket.

Q. What is Dr. Harralson's official position?—A. I think he is the principal physician here for the State board of health.

Q. He is the representative?—A. Yes, sir; Dr. Takket also. And then there are a half dozen others that work for Mr. Lopez and Ducate. It narrows itself down to about that.

Q. Are those the principal prominent men, whom you have mentioned, who are opposed to the quarantine being kept up?—A. Yes.

Q. What kind of a sanitarium was this you have spoken of?—A. It never really got started.

Q. What was it intended for?—A. It was intended as a sanitarium.

Q. To treat yellow-fever patients?—A. Well, they never got that far.

Q. You don't know, then, whether it was intended for yellow-fever patients or what?—A. The supposition is that it was, but of course that is only supposition.

A. M. DAHLGREN, sworn, testified as follows:

Examined by Mr. GALLINGER:

Q. Where do you live?—A. Biloxi.

Q. In what business are you engaged?—A. I am the collector of customs for the district.

Q. How long have you lived in Biloxi?—A. I have lived there this last time about eight years. I have lived on the coast for twenty years.

Q. Were you a resident of Biloxi prior to your last residence of eight years?—A. No, sir; just a few miles from there.

Q. Are you well acquainted with the people and the business interests of the city of Biloxi?—A. Thoroughly, sir.

Q. Have you any knowledge as to the quarantine station that exists on Ship Island?—A. Yes, sir; I have a very full knowledge of that.

Q. Have you ever visited Ship Island?—A. Frequently.

Q. When did you first visit the island?—A. About twenty-two years ago.

Q. And since that time have visited it a great many times?—A. Yes; I have camped out there several days at a time.

Q. Have you had means of observing carefully the management of the quarantine station?—A. I have, sir, on account of the communication existing between the quarantine station and me officially, as collector of customs, during the last four years.

Q. When did you first hear complaint made that the officers of the quarantine station were somewhat lax in their management of the station, or have you heard such complaints?—A. I have only heard that, sir, since this last so-called fever epidemic.

Q. What were the suggestions or charges made against the quarantine station, as you remember them?—A. Simply that it was a menace to the coast and to Biloxi. I desire to state, Mr. Chairman, as leading up to this, how I came to hear that. In May, 1895, I was notified by my deputy at Scranton and Pascagoula that the State quarantine officers were issuing *pratiques* for vessels that they had never inspected, which intelligence I communicated to the Secretary of the Treasury, then Hon. John G. Carlisle, and, awaiting a reply from him, I got a telegram to visit Scranton one night; that there was a vessel there that had not been inspected lying in the harbor near the railroad bridge. I took the night train and went up there, and early next morning, with my deputy, I got a skiff to go aboard of the vessel to see whether she had been inspected or not; and as we were going off the State quarantine officer, Dr. Griffin at that time, came down the river on a tug and got aboard of the vessel, and was only on there a minute before I landed, and went off.

The captain of this vessel came on on another skiff immediately after I landed on board, and when we got into the cabin there was a little piece of paper to the effect: "This is to certify that I have carefully examined the bills of health and other papers of this vessel and find her in a perfectly healthy condition." I asked the captain whether the quarantine official had seen any papers, and he said, "No, sir; the papers are locked up in my cabin; he has never seen any papers at all; he has never examined them." I said, "Have you been ashore all night?" and he said, "Yes; I came in here yesterday at 1 o'clock, and I have been ashore all night with nearly all my crew." "Well," I said, "I have come to verify these statements made, and I am very glad I happened to strike this vessel." I reported that again, and Surgeon-General Wyman then came here in person to investigate these reports that I had made. Dr. Guiteras was then in charge of Ship Island, and he came to my house. I told him of the circumstances, and, as it accidentally happened, he and Dr. Guiteras went to Scranton the next morning, and he found lying on the table of my deputy just such a *pratique* to release a vessel that had been in Scranton for five days, that the State officer had not boarded at all since the day she entered the port, releasing her, certifying to these facts.

Surgeon-General Wyman then wired the Secretary, verifying the statements I had made as collector, and, in order to make the quarantine as safe as possible, the Secretary wired me to permit no vessel whatever to enter without a United States *pratique*. That led to that order to the pilots and owners of vessels that I would enter no vessel in this district unless they presented a United States quarantine *pratique*. It was only done because we could not rely upon these other *pratiques* that were issued without investigation. Then the matter ran along until

the establishment of the State board of health at Cat Island, about May, 1897. Dr. Harralson came to my office and said he wanted to know the reason why I refused to enter vessels on a State pratique, and I told him the circumstances that had occurred in regard to the State quarantine before, which led up to this order. "Well," he said, "we will make a test case of that." He said, "Instead of the State being loose it is the national quarantine that is loose." That is the first that I had any intimation of there being any looseness on the part of the national quarantine. He then threatened to get out quo warranto proceedings against me as collector of customs for refusing to enter vessels on the State pratiques, and I told him I had authority from the Government and the evidence that the Government could not respect those pratiques; that they were unreliable in this section of the country. And that led to the controversy between the State and the national quarantine. Then the committee visited Washington, called upon Secretary Carlisle, and tried to get that order revoked. It was refused, on the evidence that was before the Department from this district. Those are facts that I know personally of.

Q. Are you personally acquainted with Dr. Smith, who is in charge of the national quarantine station?—A. Yes, sir.

Q. What is your opinion of him as an officer?—A. He has been a most efficient officer. I have known of a great many instances where complaints have been made against him for prosecuting and trying to carry out the laws of the Marine-Hospital Service. He has reported several cases to me himself that he thought was a breach of the law.

Q. Have you heard or known of any communication with the quarantine station from the land, or people going from there to the coast?—

A. No, sir; none at all. There has been a good deal of communication between Ship Island and Biloxi and the main shore, but the people get it mixed. People have communication with Ship Island, and the quarantine happens to be on Ship Island, and they confuse it with communicating with the quarantine station. There is no communication with the quarantine station at all. I have been out there, seen the boats anchored myself, and stayed for two or three days at a time.

Q. Do you think the quarantine on Ship Island is a menace to the people on the coast at any point?—A. No, sir; not at all. It is the safest place the quarantine station could be.

Q. Have you any knowledge of the conclusions reached by the recent committee appointed by the governor of the State of Mississippi to investigate as to that particular point—as to whether it is a menace to the health of the people of the coast or not?—A. I was before that committee, sir. I went with them in their investigations, and I heard nearly all of the testimony given, and I know that their report is that it is not a menace to the coast.

Examined by Mr. MALLORY:

Q. Can you state the number of vessels that entered this port in the last twelve months?—A. Something over 260 vessels, sir, if I remember right, in the last fiscal year. I have not the data with me now.

Q. About what proportion of them were vessels from foreign ports?—A. Nearly all, sir, were from foreign ports.

Q. When a vessel comes here, not intended for the port of which you are customs officer; suppose she comes to Pensacola or Mobile and is found to have yellow fever aboard and is sent here, have you any record of the number or any record of those vessels at all?—A. No, sir.

Q. That is done, is it not?—A. That is done by the quarantine officer.

Q. Yes; but there are instances of that being done, are there not?—
A. Yes, sir.

Q. In other words, Ship Island quarantine is a place of refuge for vessels coming to Pensacola, Mobile, or any other port on the Gulf; if they have yellow fever aboard they are liable to be sent there?—
A. Yes, sir.

Q. The people of Biloxi are all aware of that fact?—A. Yes, sir.

Q. And they do not regard that as any cause for apprehension as to the introduction of yellow fever?—A. No, sir; on account of its distance, and it is isolated. It is safer than it would be at a more distant point. There would be more liability of contact with bumboats and with the shore from a more distant point than from Ship Island, because Ship Island is under a closer watch than, for instance, the Chandeleurs would be.

Examined by Mr. VEST:

Q. Have you seen this report of the State commission [handing a paper to witness]?—A. Yes, sir; this is the report.

Q. Is that a unanimous or majority report?—A. This is a unanimous report, sir. Mr. Chairman, there was a question asked Dr. Tebo in regard to lumber. I can probably give you more information on that than he could. Biloxi itself ships none. The lumber comes from out of the Pearl River, from back here in the country, over the Gulf and Ship Island Railroad, and even from Scranton; so this station is not a necessity to Biloxi alone at all. Biloxi ships no lumber itself. The lumber comes from the Pearl River; from away back here 50 or 60 miles, over the Gulf and Ship Island Railroad, and also from Scranton, down the Pensacola River. On account of the character of the harbor and its safety it is sent to this harbor. I wish to state, furthermore, that I visited the Chandeleur Island and was thoroughly familiar with it before the storm. It did then offer good protection for vessels in the harbor, since which time it has all gone to pieces. Every high tide washes all over the islands, and instead of one island there are now about 40, and that leaves the harbor without protection from the wind, and even no protection from the water, with the exception of a small territory at the northwest point of the island, where the lighthouse stands.

Examined by Mr. GALLINGER:

Q. Was there only one island before this storm?—A. It was one large island about 10 miles long, and there were several other smaller ones. And now what was formerly the 10-mile island is all cut to pieces into several smaller islands.

Q. When did you last visit the Chandeleur islands?—A. About a month ago.

Q. What is your opinion as to the advisability of putting this quarantine station on the island, supposing it should be removed from Ship Island?—A. Well, sir, the United States can establish a quarantine station anywhere almost with money, as far as the station itself is concerned, but it would be "flying in the face of Providence" to compel vessels to anchor in that harbor and undergo the disinfection that would be required at a quarantine station.

Q. You were a resident here at the time of the disaster on that island, I believe?—A. Yes, sir.

Q. Do you remember how many lives were lost at that time?—A. On the island proper?

Q. Yes, sir; in connection with the quarantine station.—A. Either four or five lives, I forget which, were lost, and there were only two escaped—by hanging onto the grass it just saved their lives and that was all, and then the whole plant was swept away.

Q. The whole plant was practically swept away?—A. Yes, sir.

Q. And there is nothing there now that would be of any value in establishing a new station?—A. No. There are a few small buildings standing now with the floors all out of them.

Q. Now, how about Cat Island as a place for a quarantine station?—A. Cat Island is not a fit place for a quarantine station. It has not the harbor that Ship Island has. It has not the protection in the first place, and in the next place it has not the depth of water that Ship Island has, and in the third place it is nearer to the shore than Ship Island by $3\frac{1}{2}$ to 4 miles.

Q. Is there any island you can think of, within a reasonable distance of the coast, that might be made available for a station in the event of the removal of the station from Ship Island?—A. Petit Bois Island would make a good island. It has a very good harbor, but it is only between 6 and 7 miles from the main shore, and the objections urged against Ship Island would be doubly applicable against Petit Bois. Outside of that, it would make a good place.

Examined by Mr. MALLORY:

Q. How is the depth of water there?—A. It has a fair depth of water, but it has not the depth that there is at Ship Island. They have got, inside of the harbor there, from 25 to 30 feet of water, but the channel is narrow, while at Ship Island the channel is broad, and you can take a vessel, if necessary, 4 miles south of the loading berth at Ship Island and then get to the quarantine station. In other words, you can go 4 miles from any vessel lying in the harbor at Ship Island to the quarantine station.

Mr. GALLINGER. How large is Petit Bois Island?

The WITNESS. Petit Bois Island is about 5 or 6 miles long, with an average width of about a mile to three-quarters.

Q. How far is that from Scranton?—A. About 8 miles, I should think, in a direct line.

Examined by Mr. GALLINGER:

Q. How far is Petit Bois Island from Biloxi?—A. About 25 miles from Biloxi. I will say that I know of my personal knowledge that the people of Scranton do not want the Ship Island station removed unless they can get it at Petit Bois. I have been so informed by the leading men of Scranton and Pascagoula.

C. F. THEOBALD, sworn, testified as follows:

Examined by Mr. VEST:

Q. Where do you reside?—A. I reside in Biloxi.

Q. How long have you lived here?—A. Since 1871.

Q. What is your business?—A. I am in the quarantine business—secretary and treasurer of the Biloxi Canning Company, and am also in the banking business. I am president of the People's Bank here.

Q. Are you familiar with the operation of the quarantine station on Ship Island?—A. I have been out there very often. I really don't know that I could give you information on that except by my personal

experience. I tried to land once with a picnic party inside the quarantine limits, not knowing that the quarantine was in force.

Mr. MALLORY. When was that?

A. That was about three years ago, I should think. We landed there with our party, and we had hardly got out of the boat when the quarantine doctor came and made us leave. He said he could not permit us to land.

Q. Do you know of any instance of neglect on the part of the officials at that station?—A. No, sir; I do not; not of my own knowledge, and not even by reports that I have heard from reliable parties.

Q. Do you know anything about Chandeleur Island?—A. Yes, sir; I have been out there several times. I was out there before the storm, and I have been out there since the storm of 1893.

Q. What is the condition of the island now?—A. There is very little island left now. I think almost every high tide sweeps over almost the whole island—at least, it sweeps through the part where the quarantine station was. The doctor's quarters, which used to be partly on land and partly on piling, have washed away, and there is now—the last time I was out there—16 feet of water. I helped measure it.

Q. Well, it is not a suitable place for a quarantine station?—A. I do not think it would be suitable for anything.

Examined by Mr. GALLINGER:

Q. This 16 feet of water is on the site of the old plant?—A. On the place where the doctor's quarters used to be; yes, sir.

J. D. McKIE, sworn, testified as follows:

Examined by Mr. VEST:

Q. State your name.—A. J. D. McKie.

Q. Where do you reside?—A. In Biloxi, sir.

Q. What is your business?—A. I am a druggist and an editor, sir.

Q. How long have you lived here?—A. Nearly four years.

Q. Do you know anything about the manner in which this quarantine station on Ship Island has been conducted since you have been here?—A. Not of my personal knowledge. I know that in conversation with the harbor masters and with pilots (men who are constantly out there) I have made it a point to get information from them, and the information I have has come to me in that way.

Q. You do not know of any instance of neglect on the part of the officials there?—A. No, sir.

Q. Do you know of any instance of people having been permitted to come from the vessels in quarantine to the mainland, or go from the mainland to those vessels?—A. No, sir. I know of charges of that kind which have been made against the station, but in every instance where the charge has been examined into it has proved to have no foundation at all.

Examined by Mr. MALLORY:

Q. Can you state any one of these charges?—A. I can state one that I know of my personal knowledge was untrue, and that was relative to the cruiser *Montgomery*, which was stationed here last summer. It was reported that Dr. Smith, the quarantine officer, went to that vessel with some of his crew and visitors and went aboard. Well, I was aboard that cruiser every day she was here——

Q. She was not in quarantine?—A. No, sir; she was away down at

the shipping. I was aboard that vessel every day that she was here. I knew Dr. Smith at that time personally, and I know positively that he was not there.

Q. Was that just a loose charge that was followed by nothing, or was it investigated and inquired into?—A. It was a published charge, sir. I do not know whether it was——

Q. It never was followed up, though?—A. No, sir; not that I am aware of.

J. A. ALDRICH, sworn, testified as follows:

Examined by Mr. VEST:

Q. State your name.—A. My name is Aldrich.

Q. Where do you reside, doctor?—A. I live in Biloxi.

Q. What is your business?—A. Practicing medicine.

Q. How long have you lived here?—A. I have been here fourteen or fifteen years.

Q. Have you had any experience in treating yellow fever?—A. I can not say that I have, really. I have treated the fevers that we have had here, but I lived and practiced in the North until I came here, and I never saw any yellow fever unless I have seen it here.

Q. Well, have you had it here?—A. I never have claimed to be an expert. I have said I had not seen it; I do not know it if I have. I have practiced right along and have treated the cases we have had here.

Q. Did you have any sort of epidemic here last summer?—A. Yes, sir.

Q. How many of those cases did you treat, whatever it was?—A. I treated probably forty or fifty before I was taken sick. I had a little spell of fever myself, and I treated a good many cases while I was sick, without seeing them. They would come to me and report the cases, and I would prescribe for them.

Q. Did you lose any cases?—A. No, sir; I did not lose any. I did not lose any last fall at all.

Q. What sort of fever was that, in your opinion?—A. It was a bilious form.

Q. But not yellow fever?—A. Not that I call yellow fever. I only know what I have read and heard of it. I treated the cases much as I would bilious remittent fever North. I was here in 1886 through the whole epidemic we had then, which was called yellow fever, and they would ask me about it and I would ask them what they supposed I knew of yellow fever. I did not claim to know anything about it. But I treated more cases then than I did this season, for I went through the whole season. I do not know how many cases I had; I had a good many cases, and I lost two that season, only.

Examined by Mr. MALLORY:

Q. Was the disease in 1886 and the disease last fall similar in character, in your judgment?—A. Very similar, what I saw.

Q. You treated them both times in the same way?—A. Much the same way, yes, sir; and the treatment was successful; they got well, all but two.

Q. Did you administer any quinine?—A. Yes, quite a good deal; or, rather, I used cinchonia more than quinine.

Q. That is an extract of the Peruvian bark, is it not?—A. Yes, it is a similar preparation.

S. Rep. 618—3

Q. Not quite so strong?—A. Not quite so strong. It does not affect the head as much in large doses.

Examined by Mr. VEST:

Q. Have you been familiar with the operations of this quarantine station on Ship Island since you have been here?—A. Considerably so.

Q. Do you know of any cases of neglect of duty on the part of the officials there?—A. No; I have not known of any.

Q. Such as permitting persons to go from the land to a vessel in quarantine, or from those vessels to the mainland?—A. I never have known of any. I was quite well acquainted with Dr. Murray when he was here, but not so much acquainted with the surgeon who has been here since he left.



M. M. DEFREES.

FEBRUARY 28, 1898.—Ordered to be printed.

Mr. FAIRBANKS, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 910.]

The Committee on Claims, to whom was referred the bill (S. 910) to provide for the payment of the claim of M. M. Defrees, for the construction of a sewer adjacent to the lands of the United States known as the "arsenal grounds," in the city of Indianapolis, Ind., have considered the same, and submit the following report thereon:

It appears that the United States owns a considerable block of real estate in the city of Indianapolis (more particularly described as the east half of the northwest quarter of section 6, township 15, range 4, in the county of Marion, State of Indiana), now occupied by the Government, and known as the "arsenal grounds."

The board of public works of the said city, pursuant to the laws of the State of Indiana, provided, by proper ordinances, for the construction of a sewer through a portion of the city of Indianapolis adjacent to the said arsenal grounds for the benefit of the said city and said arsenal grounds.

Under the terms of a contract made September 19, 1895, with M. M. Defrees, contractor, the said sewer, known as the "Pogues Run interceptor," was duly constructed and accepted by the board of public works of said city.

Under the provisions of the said contract there was assessed against the said property of the Government the sum of \$4,494.56, as its pro rata share of the cost of the construction of the said sewer.

The United States has constructed a local sewer upon the said arsenal grounds and connected the same with the said "Pogues Run interceptor" constructed by the claimant Defrees. The said "Pogues Run interceptor" is essential as an outlet for the sewer constructed by the Government on the arsenal grounds.

It appears from an affidavit filed with the committee and sworn to by Hon. William D. Bynum—

That said United States, by its agents and officers, under and by virtue of an act of Congress heretofore made and provided, has constructed a sewer upon its said grounds and connected the same with said "Pogues Run interceptor" sewer, so constructed by said Defrees; that the construction of said Pogues Run Sewer by said

Defrees, and the use of the same by the United States, was and is of great value to its said grounds in this, that it supplied said grounds with a perfect system of sewerage, which could not otherwise have been secured except at great expense and cost.

A certified copy of the assessment roll approved by the board of public works of said city of Indianapolis has been filed with the committee, showing that the assessment chargeable to the United States for its proportionate share of the cost of construction of said sewer, according to the number of feet of property owned by the Government, is, as stated above, \$4,494.56.

The following is a copy of the certificate of E. M. Johnson, city controller of the city of Indianapolis, attached to the said assessment roll:

I further certify that the sewer for which the foregoing assessment was made is for the construction of a sewer in Hanna street, running north and south on the east side of United States arsenal grounds in said city of Indianapolis, and has no connection with the sewer constructed by A. Bruner in and along Clifford avenue, running east and west on the north side of said United States arsenal grounds.

It appears that the assessments against private property owners for their pro rata share of the cost of said improvement have been paid, but the amount assessed against the United States has not been paid.

After careful consideration of the said bill, the committee recommend that it be amended so that the amount to be appropriated shall be reduced to \$4,494.56, and that the bill, so amended, do pass.



THOMAS F. RYAN.

FEBRUARY 28, 1898.—Ordered to be printed.

Mr. FAIRBANKS, from the Committee on Claims, submitted the following

R E P O R T.

[To accompany S. 2262.]

The Committee on Claims, to whom was referred the bill (S. 2262) for the relief of Thomas F. Ryan, have carefully considered the same and recommend its passage. The committee submit, as a part of their report, the report of the Committee on Claims in the House of Representatives in the same case during the Fifty-fourth Congress, which reads as follows:

S. Rep. 1—60

House Report No. 1301, Fifty-fourth Congress, first session.

Mr. GRAFF, from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 4098.]

The Committee on Claims, to whom was referred the bill (H. R. 4098) for relief of Thomas F. Ryan, have carefully considered the aforesaid bill, have heard argument of counsel thereon, have investigated fully into the merits thereof, and respectfully report as follows:

Under a decree of the United States district court for the district of Indiana at the November term thereof in the year 1867, the United States marshal of the district of Indiana proceeded to sell 422 barrels containing 18,777 proof gallons of high wines at private sale to Thomas F. Ryan, the claimant in this cause, at and for the sum of \$2 per proof gallon, amounting in the aggregate to \$37,554, which sale was duly reported to and confirmed by the said court, which afterwards, at its May term, 1868, duly distributed the said sum by order of the court in accordance with law, and the said high wines were delivered to the said purchaser, Thomas F. Ryan, in installments running from the 1st day of March, 1868, to the 10th day of March, 1868, during which time all of said 422 packages were delivered to said Thomas F. Ryan or his consignee upon due payment therefor.

It further appears that all of the entries substantially as required by law, of and concerning said sales, were made by the said Ryan upon his books, except 50 barrels thereof, which were entered at same time as all the others—372 barrels. This 50-barrel lot, upon anonymous information, had been unlawfully seized by a collector of internal revenue at Louisville, Ky., while in transit to the consignee of said Ryan, under and by virtue of a sale of said 50 barrels in that market, at a price which, if such sale had been consummated by delivery, would have yielded the said Ryan a fair profit over and above the amount paid by him therefor to the United States marshal.

It also appears that while high wines, bearing the brand of the United States marshal (tax paid), were sold in small lots in the Louisville market for more than \$2 per gallon, which was the Government tax, the same quality of high wines, bearing simply the distiller's brand, with the inspector's brand and serial number, were at the same time selling for less than the Government price of \$2 per gallon; the sale, therefore, of the United States marshal to the claimant of the said high wines at \$2 per proof gallon was good, and the sale was fully justified and therefore approved by the court.

As before stated, the high wines purchased by the claimant from the United States marshal were delivered to him in such lots as he was able

to secure the same from the storekeeper and as ordered by the United States marshal, and were paid for as received, and when the entire lot of 422 barrels were delivered and paid for, between the 1st and 10th day of March, 1868, all were entered in the Government book in one lot, in substantial compliance with the requirements of the law, as the claimant was informed by the marshal and the storekeeper and others, and as he believed. Through no fault or omission of his own, and, as the committee believe, by reason of a certain anonymous letter, the last lot of 50 barrels, sold in and shipped to Louisville, Ky., was wrongfully seized on the 19th day of May, 1868, by the officers of the Government, and by them held and possession refused to the consignee or the claimant, who was the consignor.

It was at this time that Congress had in contemplation and under consideration the reduction of the whisky tax, and owing to the detention, as your committee believe, unlawfully, of the said 50 barrels of high wines until the Finance Committee reported in favor thereof, the claimant lost his profitable sale, and was compelled to throw it upon the market, as the release of the whisky upon a bond of \$5,000 was made too late to secure its sale before the committee reported in favor of the reduction of the tax, and he therefore was compelled to sell it for what he could obtain. The result was that he suffered a loss of \$2,200, the amount he received for the 50 barrels of high wines being to that extent less than the sum he had paid for the same. The only charge made against the said 50 barrels of high wines, and the only justification claimed on behalf of the Government officers for the said seizure, was the purely technical one that this particular 50 barrels of high wines was not immediately entered upon the Government book as received from the United States marshal, but was entered within a few days thereafter in connection with the entire lot of 422 barrels purchased from the said marshal.

Upon this technical ground, on the trial of the case, the court rendered judgment against the claimant for forfeiture and the costs in the case. Afterwards an order of remission of said forfeiture and for the return to Ryan of the \$5,000, which he had deposited to represent the said seized goods, and held by the court to await its action, was entered, and the said \$5,000 was thereupon returned to the claimant. (See order of Secretary of Treasury hereto attached.)

Summing up the facts, therefore, upon which the claim in this case depends, the committee find that the claimant duly purchased the said high wines of the marshal at a proper judicial sale, and paid for the same in cash, and was entitled to the possession and disposal of said liquors as tax-paid high wines, without let or hindrance upon the part of the Government, upon his substantial compliance with the laws regulating distilled spirits; that in all respects the said claimant complied with said law, except that the said spirits, when received by him from the marshal, were not upon the same day entered upon the book which he kept in compliance with the law as a wholesale dealer, although the same was entered within a very short time thereafter as a part of the whole procedure.

Further, it is apparent from the reports and records which have been furnished the committee, that the true cause of the seizure was a false and anonymous letter, sent by some secret enemy, to the collector at Louisville, advising him that the packages containing the said high wines had been adulterated with others spirits, which charge, after seizure and upon inspection by the officers of the Government, was quickly found to be untrue and a maliciously false statement.

In order, therefore, to justify the seizure and to save the Government and compel the claimant to pay the costs of the seizure and suit, it became necessary to substitute some other alleged violation of law against the said high wines; and it having been ascertained by the court that the said claimant entered upon the book or books kept for the purpose the entire number of proof gallons of spirits purchased or received from the United States marshal on the day when he received the last thereof, instead of on the exact day when the said 50 barrels were received, upon this purely technical ground judgment of forfeiture with costs was entered, upon the payment of which costs, and upon the action of the Secretary of the Treasury, taken upon the recommendation of said officers under and by virtue of the provisions of section 5292, Revised Statutes of the United States, said judgment was remitted and the claimant was repaid the \$5,000 which he had placed in the hands of the court. The law relied upon, section 26 of the internal-revenue laws of July 13, 1866, reads as follows:

SEC. 26. *And be it further enacted*, That every rectifier or wholesale dealer in distilled spirits shall enter, daily, in a book or books kept for the purpose, under such rules and regulations as the Commissioner of Internal Revenue may prescribe, the number of proof gallons of spirits purchased or received, of whom purchased and received, and the number of proof gallons sold or delivered; and every rectifier or wholesale dealer, who shall neglect or refuse to keep such record shall forfeit all spirits in his possession, together with the apparatus, tools, and implements used, and be subject to a fine of five hundred dollars, or imprisonment for not less than six months nor more than one year, in the discretion of the court. And every rectifier shall mark with a stencil plate, on each package of five gallons or more of distilled or rectified spirits sold by him, his name and place of business.

Your committee believe that the high wines seized by the collector at Louisville as the property in transitu of the claimant, consigned to the vendee thereof, should have been regarded as under the protection of the Government, and not subject to seizure under the ordinary rules, unless it had been affirmatively shown that any failure to attach marks and brands upon the said 50 packages was the fault or fraudulent act of the claimant.

In the absence of these said high wines having been, like all the other lots of the same purchase from said marshal, delivered to the claimant upon his payment therefor, he received the same, full tax paid, and they were, by reason of the peculiar circumstances surrounding such sale and delivery, removed from the ordinary technical requirements of the above-quoted section, which has for its sole purpose the absolute security of the Government in the collection of its taxes. Your committee also believe that the decree of remission of the Secretary of the Treasury, dated January 3, 1870, in which he states, among other things, "And whereas I, the said Secretary of the Treasury, having maturely considered the said statement of facts and petition, and it appearing to my satisfaction that the said forfeiture was incurred without willful neglect or any intention of fraud," and in which he also directs all the right, claim, and demand of the United States and of all others whomsoever, and the said forfeiture be remitted on the condition of payment of costs, was based upon the transcript in the case, and establishes the claim of Mr. Ryan that such seizure was unlawful and worked great hardship upon him, and resulted in a net loss to him, by reason of such wrongful acts on the part of the officers and agents of the Government, of \$2,200.

We append hereto the statement from the records of the Treasury Department concerning the case, which we think fully bears us out in the above conclusions as to the law of the case. It has been insisted that the claimant should have prosecuted his claim for damages against

the collector personally or against the officer making the wrongful seizure, and that his claim should not be presented as one against the Government of the United States directly. The committee have examined the law with regard to this question, and have read the briefs presented by counsel for the claimant, which are hereto appended and made a part hereof, and believe that the claim of said Ryan is one which he might prosecute against the Government of the United States directly, and that it was not a necessary condition precedent that he should have first obtained judgment against the collector or other officer or agent of the Government making such wrongful seizure under color of their office.

We have also considered the question as to whether or not the claimant has been guilty of laches in the presentation of his case. We find that, as set forth in the statement of Mr. Ryan, in a letter dated March 3, 1896, addressed to N. N. Cox, a member of this committee, his reasons for not at an earlier date appealing to Congress for relief or bringing suit in the Court of Claims therein stated are good, and excuse his apparent laches. In further evidence that he has not been unduly negligent, we refer to the affidavit of the claimant, filed in this case before this committee, dated the 18th day of March, 1896, in which he states that he was advised, for the first time after examining the papers, that the ground upon which the seizure was attempted to be justified was the technical one set forth in the papers, namely, that he had failed to enter upon his books the receiving of the said 50 barrels of high wines in question upon the exact day and hour which he received them from the United States marshal, notwithstanding they were entered upon said books promptly within a very short time after their receipt from the marshal, and were sealed and delivered to him as tax-paid goods, without the usual serial numbers and brands, and that this was no fault of the claimant.

That the Secretary of the Treasury so regarded it, when the facts were brought to his attention, was apparent from his decree of remission and the language therein employed. Your committee therefore have decided that the claim of Mr. Ryan aforesaid is a just and meritorious one, and that the amount claimed by him should be paid by the Government of the United States, and we therefore recommend the passage of the bill, without amendment.

UNITED STATES OF AMERICA.

TREASURY DEPARTMENT, *March 16, 1896.*

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed papers are true and correct copies of the original on file in this Department.

In witness whereof I have hereunto set my hand and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[SEAL.]

S. WIKE,
Acting Secretary of the Treasury.

UNITED STATES OF AMERICA, *District of Kentucky, ss:*

The petitioner having on the 28th day of July, A. D. 1869, presented to the judge of the district court, a petition a copy whereof is hereunto annexed, praying for the reasons therein set forth that the said judge would make summary inquiry into the circumstances of his case, and cause a statement thereof to be transmitted to the Secretary of the Treasury of the United States, and it appearing to the said judge that reasonable notice had been given to Edgar Needham, who claims to be informer

in this case, and to B. H. Bristow, the attorney of the United States for said district, of the intention of the said petitioner to present his said petition on the said day; by the service on the said persons, of a copy of the said petition, together with a notice of such intention; the said judge thereupon proceeded to inquire in a summary manner into the circumstances of the case.

And the said judge did then and there order and direct that the facts appearing on such inquiry should be stated and annexed to the said petition, and that the same should be transmitted to the Secretary of the Treasury of the United States, all which is accordingly done by these presents.

Witness Hon. Bland Ballard, judge of the United States for the district of Kentucky, this 29th day of July, in the year of our Lord one thousand eight hundred and sixty-nine.

[SEAL.]

A. J. BALLARD, *Clerk.*

* * * * *

The material facts that appeared on the summary inquiry are:

The 50 barrels condemned in this case were part of a lot of 422 barrels sold by the marshal of Indiana in pursuance to the order of United States district court, Indiana district.

The sale of the whole 422 barrels was made by the marshal on the 26th or 27th of February, 1868, to the petitioner, Ryan, and by the terms of sale the whisky was to be gauged and delivered to Ryan in lots, who was to pay for it on delivery.

On same day a part of the whisky, say 175 barrels, was gauged and delivered to Ryan, and the residue was so gauged and delivered in lots or parcels on various days between that day and the 10th of March, 1868, inclusive, on which day, 10th of March, the last lot of 38 barrels was gauged and delivered to Ryan.

Ryan was a wholesale liquor dealer in Indianapolis and failed to make entry in his books of the amount so purchased by him on the day when he purchased it or on the day when the respective lots were delivered to him. But on said 10th of March he then entered in his books the whole amount as having been purchased and delivered to him between the 1st and 10th of March.

The 50 barrels, having been consigned to a merchant in Louisville, were seized as forfeited, and an information was filed against it. Ryan appeared as claimant and contested the grounds of forfeiture, and on the trial the court instructed the jury that the entries by Ryan, not having been made from day to day, were not a compliance with the statute, and the verdict was for the United States, and the whisky was condemned because of the failure of Ryan to make the entries in his books from day to day of the whisky delivered to him.

The said Ryan kept the books required by law, and no errors were shown, except in respect to the 50 barrels aforesaid.

Attest:

[SEAL.]

A. J. BALLARD, *Clerk.*

WASHINGTON, D. C., *March 10, 1896.*

GENTLEMEN: I have just finished reading the information regarding my case before the Committee on Claims, as furnished by the Commissioner of Internal Revenue, and, as my attorney in my claim pending in Congress, I wish to inform you as follows:

The assistant commissioner, Mr. Wilson, gives his opinion as to the merits of the case. If he was required to give any opinion, he could only base it upon the statements of his predecessor in office, as he had no personal knowledge of the circumstances, and under rules governing subordinates in the Treasury Department he could only give the committee copies of letters and state his own personal conclusions therefrom. The fact remains that my high wines—50 barrels—were seized unlawfully, held unlawfully, and, after full examination, returned to me free from any and every charge; but it is also uncontradicted that, by reason of such unlawful seizure and holding, I lost an advantageous and profitable sale of the said 50 barrels of high wines and suffered a loss of \$2,200, being compelled to sell the lot for what I could get; and also it remains true that the price of my goods was impaired by the act of the Government itself in reducing the tax thereupon, while so depriving me of the lawful possession of my goods, to which, by its own admissions, I was all the time lawfully entitled, and of which I was unlawfully deprived.

As to Attorney Bristow's letters, they expose his lack of correct knowledge of the case, and I might add, the ignorance of all of the internal revenue officials at Louisville, and their blunders regarding the seizure of my tax-paid high wines.

Mr. Bristow says that my explanations were not satisfactory, and that the affidavit of the inspector, stating that the whisky could be recognized by the color, was not to be relied upon—he does not say why—and besides, as the whisky was "rectified," of course the color of it could not be identified.

Now, the facts of the case are these: The whisky (or, in reality, the high wines) was in original packages, was over 1 year old, and had taken the usual color from the oak barrels in which it was delivered to me; this coloring was different from the burned sugar coloring, generally used in coloring rectified whisky, and was sold, as it was purchased, as unrectified spirits, or high wines, above proof. To show how little these gentlemen knew about this matter, I would have you inform the committee that rectified whisky is generally 20 below proof, and that the main object of rectifying is to reduce in strength, to make the resulting whisky acceptable to the trade.

Now, in making a cheap article of whisky I have rectified a good deal in my time by running through charcoal and reducing its strength with soft water, but I never rectified any that I did not reduce the spirits to 20 below proof. Therefore, if that 50 barrels of whisky, or high wines, was rectified, as Mr. Bristow says it was, instead of there being 2,500 proof gallons in the 50 barrels (which there really was, as the record shows), there could be but about 2,000 liquid gallons and but 1,600 proof gallons, therefore, instead of having to put up as a bond \$5,000 (that is, \$2 per proof gallon on 2,500 gallons), I should have been required to put up but \$3,200, or \$2 per proof gallon on 1,600 gallons.

The whisky (or really high wines) had a peculiar color from the oak barrels, and averaged about 20 above proof, and it was sold in the condition it was when purchased from the United States marshal. The record shows this.

I find also that Mr. Bristow's letters are dated September, 1868, and August, 1869, while the order of remission is dated January 3, 1870. What changed Mr. Bristow's opinion I have no information, nor do I know anything about a petition for a remission. I have a faint recollection that a paper of some sort in the case was sent to me to sign, but that my attorneys, Joseph E. McDonald and Judge Harlan, never to my knowledge either begged the case, asked any favors, or used influence outside the merits of the case, to have any remission granted. The whole case, after a short trial, was dismissed. It was managed by the officers of the Government and the court to suit themselves, to get out of a hole, I suppose, that they were placed in by giving improper heed to and acting on anonymous letters and by blundering officials.

As for the discrepancy of 5,000 gallons, that Mr. Bristow hints at, it is all of a piece with the rest of the misinformation; the most they ever claimed was the filling up of the barrels with other whisky—2 or 3 gallons to the barrel—which, at most, would be 150 instead of 5,000 gallons; but which charge they dropped, resting their claim for costs on the technical point of my not entering it in the Government book according to law. It was all entered in the Government book, within the reasonable time allowed by law, to wit: within ten days, in one lot, as the record of the case in the miscellaneous division of the Treasury will show, and which record (from which Mr. Bristow's letters were evidently copied) distinctly states as follows: "The said Ryan kept the books required by law, and no errors were shown except in respect to the 50 barrels." These were entered in the books within ten days of the purchase, but the whisky or high wine packages had no numbers to enable one to comply with the strict letter of the law, and it had to be entered in bulk.

These letters also acknowledge that the Government officials had seized 100 barrels I had shipped to Cincinnati, and which were unlawfully seized there; and which, after release, I reshipped again to Louisville in the face of this fifty-barrel seizure. There it was all seized again, held for a few days, and released.

It does seem to me that anyone with a fair and candid mind must see that if there was anything wrong, or if I knew or suspected that anything was wrong, I certainly would not have shipped the same kind of high wines to a market where \$5,000 worth of the identical goods were under seizure. I shipped it there because it was bringing a better price—5 to 10 cents a gallon more than in Cincinnati—and for the reason that I was entirely innocent of any wrongdoing in the transaction, and because I was legitimately selling my goods in the best market.

One word as to the question of not exposing my private books. The Government books were always open to anyone that had the right to examine them, and if there were any slight irregularities they were not intentional, as all officials and private persons in Louisville, including court officers and internal-revenue officers, were perfectly satisfied when they got through with the case. And in keeping with the statement that I have already quoted from the records "that my books were without substantial, or in fact any, error, except in the case of the 50 barrels," I would state that, if I had entered that 50 barrels on my books, I should have entered "from the Government" 477 barrels, instead of 422, which was the proper number, and the number I purchased.

Mr. Needham, the assessor, did come to Indianapolis and demanded to inspect my private books. I respectfully declined. I had been persecuted enough, but told him if he would make any official charge, pointing out wherein my private books were kept in a manner to defraud the Government, before some court, I would be very glad to have him do so, and I would defend myself. He thereupon went to a

United States commissioner and made the charge that he believed there were some entries upon my private books that would show fraud upon the Government, or something to that effect. On the ground that my private books were my private property I resisted this charge, and after examination the case was thrown out of the court in very short order. He then returned to Louisville and I heard no more of him again until after the case was decided in my favor, when he handed me the two anonymous letters that I allude to in my claim before the committee, and told me they were the cause of all my trouble.

Mr. Bristow further states, in one of his letters: "If it be true that the whisky in question is a part of the lot purchased by Mr. Ryan from the United States marshal, it can be traced and accounted for by exhibition of books." Now, the whisky or packages of high wines I bought had no numbers on them, having been seized, originally (the whole lot, I mean, of 422 barrels), in the distillery in casks, vats, and barrels, or at least in packages showing no numbers, and was sold to me without numbers, as the report of the sale to me will show and as the records of the United States court at Indianapolis, which are before the committee, will verify, in one lot of 422 barrels, containing so many gallons. A word, by way of explanation, concerning the "numbers" referred to as means of identification of packages containing such high wines as those in question.

The provisions of the law then in force required that each package of high wines on which tax was paid should be numbered with a serial number, which was entered upon all books of record and account by the owner and the internal revenue officers and a perfect history thereof kept and transmitted to the consignee or transferee of each package by means of a collector's certificate which was to follow each package. This registry and certification was to be made and furnished by the internal revenue officers to the owner, consignee, or transferee of each such package, and not by any other person. As the goods in question were sold to me by the United States marshal at a judicial sale on a lawful seizure and confiscation, they were, as soon as paid for, tax-paid high wines in my hands and exempt from the requirements as to numbers and certificates. They were delivered to me and by me consigned to my transferee at Louisville, without such numbers and certificates, owing to their seizure, confiscation, and sale by the proper officer; and, being seized, confiscated, and sold as required by law the provisions of the number and certificate law did not apply to these packages, but were covered by the implied guaranty of the Government when sold to me at the judicial sale.

Mr. Bristow also says: "And although it may be said that the forfeiture was found upon technical grounds, yet there were many circumstances of suspicion." Anonymous letters and ignorance of the true facts will always cause suspicion, even to the extent of blinding justice, as it evidently did to his subordinate who dictated the letter signed by the Secretary, who could not have any personal knowledge of the facts.

Very respectfully, yours,

T. F. RYAN.

Messrs. DUDLEY & MICHENER,
Attorneys at Law.

UNITED STATES OF AMERICA.

TREASURY DEPARTMENT, *January 9, 1896.*

Pursuant to section 882 of the Revised Statutes I hereby certify that the annexed paper is a true and correct copy of the original on file in this Department.

In witness whereof I have hereunto set my hand and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[SEAL.]

S. WIKE,
Acting Secretary of the Treasury.

To all to whom these presents shall come:

I, George S. Boutwell, Secretary of the Treasury of the United States, send greeting:

Whereas a statement of facts, bearing date the 28th day of July, A. D. 1869, with the petition of Thomas F. Ryan thereto annexed, touching a certain forfeiture of fifty barrels distilled spirits, incurred under the statutes of the United States relating to internal revenue, has been transmitted to the Secretary of the Treasury by the judge of the district court of the United States for the district of Kentucky, pursuant to the statute of the United States entitled "An act to provide mitigating or remitting the forfeitures, penalties, and disabilities arising in certain cases therein mentioned, as

by the said statement of facts and petition remaining in the Treasury Department of the United States may fully appear;" and

Whereas I, the said Secretary of the Treasury, having maturely considered the said statement of facts and petition, and it appearing to my satisfaction that the said forfeiture was incurred without wilful negligence or any intention of fraud:

Now, therefore, know ye, that I, the said Secretary of the Treasury, in consideration of the premises, and by virtue of the power and authority to me given by the said last-mentioned statute, do hereby decide to remit to the petitioner all the right, claim, and demand of the United States, and of all others whomsoever, to the said forfeiture, upon the conditions following, to wit: That the said petitioner shall pay the costs of suit and a per diem of five dollars to the district attorney for his actual attendance at the summary examination.

Given under my hand and seal of office, in the city of Washington, this 3d day of January, in the year of our Lord one thousand eight hundred and seventy, and the ninety-fourth year of the Independence of the United States.

[SEAL.]

GEO. S. BOUTWELL,
Secretary of the Treasury.

In re claim of T. F. Ryan v. The United States.

As to the right or duty of private individuals to sue a collector of internal revenue for damages occasioned by his individually wrongful acts done under color of his office, as a condition precedent to the establishment of a claim against the Government of the United States for such damages under the terms and provisions of section 3220 Revised Statutes United States, which, it is admitted, contains the only provisions of law under which any suits against a collector individually for his wrongful acts, done under color of his office, may be brought.

First, it is maintained by the Government that such remedy, if so allowed under the provisions of said act, is an alternative one and not a necessary condition precedent to the suit against the Government direct.

Second, that, if authorized at all, such proceeding is at the option of the individual damaged, and subjects such party to vexatious and unnecessary legal proceedings; and that the only theory upon which any claim, that such a proceeding is a necessary condition precedent, incumbent upon the claimant, can be based is that there is no court of competent jurisdiction clothed with conceded jurisdiction against the Government to try and determine such an issue. This can not be true under the terms and conditions of the Court of Claims act. (See chapter 21, section 1059 et seq., wherein jurisdiction is expressly conferred upon the Court of Claims to hear and determine all claims founded upon any law of Congress or upon any regulation of an Executive Department, etc., which jurisdiction has been defined and established by the Supreme Court of the United States in 7 Wall., 129; 7 Wall., 196; 9 Wall., 156, and 21 Wall., 648.)

Third. The provisions of section 3220 relate to taxes erroneously assessed or collected, or of penalties collected without authority, and all taxes that appear unjustly excessive in amount or in any manner wrongfully collected; also to repay to any collector or deputy collector the amount of such sums of money as may be recovered against him in any court for internal taxes collected by him, with the cost thereof; also damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty; and in such matters the decisions of the Commissioner of Internal Revenue are in the nature of awards made by arbitration. An allowance made by him may be impeached for fraud, want of jurisdiction, mistake apparent upon the certificate of allowance, and generally so far as the proceedings are similar for such irregularities as would avoid an award made by arbitrators; but it may not be impeached for a mistake of judgment or discretion—it belongs to him alone to decide whether a tax has been erroneously or illegally assessed or collected or whether it should be refunded. While such an award of the Commissioner remains in his office, it is subject to his correction, revision, or revocation. He may, therefore, without exhausting his authority, allow a judgment recovered against a collector for tax which upon an appeal to him he had previously refused to refund, and at any time before payment, if suit had not been previously brought and there had been no change in the head of the Bureau at any time before payment, may reconsider and revoke an allowance certified by him for the refund of taxes.

Power of officers of internal revenue to detain packages on suspicion. (Sec. 3298, R. S.)

Spirits sold under judicial process; sold subject to tax, therefore when paid for is to be delivered as tax paid. (Sec. 3334, R. S.; 5 Blatch., 407; 5 Blatch., 542. *Freichs v. U. S.* (not *v. Collector*), 21 Ct. Cls., 16; 124 Sup. Ct., 315. For a seizure made by collector *under the direction* of a revenue agent under sec. 3220.)

Section 3148: Responsibility of collector "to United States and to individuals * * * for all moneys collected and for every act done or neglected to be done *by any of his deputies while acting as such.*"

Section 3149: "In case of the sickness of a collector, or of his temporary disability to discharge his duties, *they may be devolved by him* upon one of his deputies; and for the official acts or defaults of such deputy *the collector and his sureties* shall be held responsible *to the United States.*" "And any bond or security," etc. (See R. S., U. S., p. 603. See Gould & Tucker Notes, p. 646-647.)

Section 3220: Commissioner of Internal Revenue authorized an appeal to him, and among other things pay "damages and costs recovered against any * * * collector * * * in any suit brought against him by reason of anything done in the due performance of his official duty." (See R. S., U. S., p. 618. See Gould & Tucker Notes, p. 654.)

This section relates purely and simply to cases "for recovery of an internal tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority, or of any sums alleged to have been excessive or in any manner wrongfully collected until appeal," etc. Provided, if decision of Commissioner of Internal Revenue be delayed more than six months, then such suit may be brought without the decision of the Commissioner at any time within the period limited by section 3227. (See sec. 3226, R. S., U. S.)

Pleas of the district court of the United States within and for the district of Indiana begun and holden at the United States court-house in the city of Indianapolis, in said district, on the first Tuesday of November, in the year of our Lord one thousand eight hundred and sixty-eight, before the Honorable David McDonald, judge of the district court of the United States for the district of Indiana.

United States v. 213 barrels high wines, 27 barrels high wines, 209 barrels high wines, and Jonathan M. Dair. Libel 1630.

Be it remembered that heretofore, to wit, at the November term of said court on the 20th day of December, 1867, A. Kilgore, esq., attorney for the United States, filed a libel of information in the above-entitled cause in the words following, to wit:

To the honorable the judge of the United States district court for the district of Indiana:

Alfred Kilgore, attorney for the United States for the district of Indiana, who prosecutes for the United States as well as for G. V. Stephenson, informer herein, exhibits this his libel of information against the following property, to wit: Two hundred and thirteen barrels of high wines, twenty-seven brls. high wines, and also two hundred and nine other bls. high wines, the same being the property of Jonathan M. Dair, and against all persons lawfully intervening for their interest therein.

And thereupon the said attorney for the United States doth allege, articulately propound, and give the said judge understand that on the eighteenth day of December, A. D. 1867, at and in the district aforesaid on the land, G. V. Stephenson, collector of internal revenue for the fourth collection district of Indiana, did then and seize the property aforesaid, and now holds the same in his custody within said district as forfeited to the United States, for the reasons and cause hereinafter stated, to wit:

Third. For that whereas heretofore, to wit, on the eighteenth day of December, A. D. 1867, within the said district of Indiana, the said Jonathan M. Dair, then and there doing business as distiller, did then and there fraudulently attempt to evade the payment of the tax required to be paid by him as such distiller by the revenue laws of the United States in this, to wit: That he, the said Dair, was engaged in distilling, as aforesaid, and did then and there distill spirits, to wit, whisky, brandy, high wines, rum, and gin in large quantities, to wit, two hundred thousand gallons of high wines, together with unknown quantities of whisky and rum; and he being the owner of a still and the property hereinbefore mentioned, did then and there remove from said distillery certain spirits therein manufactured by him, to wit, high wines, whisky, and other spirits, in barrels, casks, and other packages, to a place other than a bonded warehouse, without the same having been first branled and inspected by the proper revenue officer, and without the tax thereon having been paid as required by law, contrary to the act of Congress in such case made and provided, and with intent to defraud the United States, he, the said Jonathan M. Dair, then and there well knowing the premises.

The said attorney of the United States, on behalf of the United States, saith that all and singular the premises are true, wherefore and by force of the laws of the

United States the property so seized as aforesaid became and is forfeited to the United States, and said attorney prays that process in due form of law may issue against said property to enforce the forfeiture and condemnation thereof, and requiring all persons in interest to appear and show cause on the return day of said process why said forfeiture should not be described in manner and form as by law provided, one-half of the proceeds of sale for use of G. V. Stephenson.

A. KILGORE, *U. S. Attorney.*

And afterwards, to wit, at the November term of said court, on the 28th day February, 1868, before the Honorable David McDonald, judge of said court, the following proceedings in the above-entitled cause were had, to wit:

Come now Alfred Kilgore, esq., the attorney for the United States, and Dair also comes and files a written agreement herein in the words and figures following, and thereupon it is ordered that the marshal sell the high wines seized in this cause at private sale for a price not less than two dollars per gallon.

DISTRICT OF INDIANA:

I, John D. Howland, clerk of said court, do hereby certify that the foregoing is a full and true copy of an order this day made in the cause above entitled.

Witness my hand and seal of said court, February 28th, A. D. 1868.

[SEAL.]

J. D. HOWLAND, *Clerk.*

The order of court to which this is annexed was received by me on the 28th February, 1868, and by virtue of the same I did on the same day sell at private sale to Thomas F. Ryan, of the high wines that came to my hand, 422 barrels, containing 18,777 proof gallons, at \$2 per proof gallon, amounting to \$37,554 \$37,554. 00
Afterwards, to wit, on the 5th day of June, 1868, I sold to James Dair twenty-seven barrels, 1,307½ proof gallons, at \$2.05, making..... 2,680. 38

Altogether making proof sales..... 40,244. 38

And have herein charged as follows:

C. A. Elliott, freight, drayage and storage.....	\$387. 14
Freight and drayage, 27 barrels	16. 87
Storage on 27 barrels.....	33. 75
Inspection.....	6. 04
I. C. Pierce, watchman at distillery, 54 days, at \$2.....	108. 00
	551. 80

Leaving a balance of.....	39,681. 58
Which I pay into court, less my fee.....	827. 94

38,854. 64

Marshal's costs:

Telegraph bill	3. 25
R. R. to Harrison.....	7. 00
Hotel.....	3. 00
Advertising.....	1. 00
Percentage	813. 69

827. 44

BEN SPOONER, *United States Marshal,*
By I. S. BIGELOW, *Deputy.*

And afterwards, to wit, at the May term of said court on the 3d day of August, 1868, before the Honorable David McDonald, judge of said court, the following further proceedings in the above-entitled cause were had, to wit:

In the district court of the United States for the district of Indiana.—May term, 1868. August 3d, 1868. Before the Honorable David McDonald, judge.

United States *v.* 213 barrels high wines and Jonathan M. Dair, &c. Libel, No. 1360.

Now, at this day comes Alfred Kilgore, esq., the attorney prosecuting the pleas of the United States, and the master to whom this cause is referred now files his report in writing, and the same is now approved by the court, and is in the words following, to wit:

And thereupon the several payments made by the marshal for expenses of said property while in his custody being fully accounted for by the vouchers on file, as

appears by the master's report, and said sum, being \$551.80, is allowed and approved; and also the said taxable costs of the marshal, being \$827.94, are allowed, and the sum of \$38,854.64 is recognized as the true balance to be paid over by the marshal.

And out of said fund the following further allowance, in addition to the allowance of marshal's commissions, are now made, to wit: The clerk's costs, \$30.65; the master, for making of said report, 5c.; to the Hon. A. Kilgore, U. district attorney, \$824.68; to collection, G. V. Stephenson, by expenses, \$56.19; and to Rev. Inspector I. H. Dollahan, for expenses, \$87; which said several allowances, with the marshal's commissions aforesaid, make the aggregate sum of \$1,425.53, leaving of the proceeds of said sale a net balance of \$37,429.11.

And upon the report aforesaid it is now found by the court that the share due to the informer in this cause by the commissions, due to the clerk for receiving and pay out said moneys, is \$4,080.24.

And the amount due and payable to the United States by the like commission, which is hereby allowed, is \$32,960.33; and the clerk is ordered and directed hereby to pay over to the proper officers the said sum of thirty-two thousand nine hundred and sixty dollars and thirty-three cents.

And the clerk is further ordered and directed to pay out to the several officers and persons named in this entry the several sums allowed to them out of said fund, and to take their respective receipts therefor.

And as to said sum of \$4,080.24, withheld for the share of the informer herein, the same is retained in the registry of the court subject to the further order and direction of the court concerning the same.

And it appearing from the record in this case that there are conflicting claimants to the share of the informer, each asserting that he is the true original informer entitled to the same, and because the court is not informed in the premises, the determination of that question is continued until proper issue shall be formed and the evidence heard in that behalf.

DISTRICT OF INDIANA:

I, Noble C. Butler, clerk of the district court of the United States for the district of Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of the libel filed December 20, 1867, of the order of sale made July 23, 1868, and of the decree of distribution made August 3, 1868, as fully as the same appears upon the files and records now in my office.

Witness my hand and the seal of said court this 3d day of January, 1896.

[SEAL.]

NOBLE C. BUTLER, *Clerk*.

DISTRICT OF INDIANA:

I, John H. Baker, judge of the district court of the United States for said district, do certify that at the date of the foregoing certificate Noble C. Butler was, and now is, the clerk of the district court of the United States for said district, and that his attestations aforesaid is in due form of law.

Witness my hand, this 3d day of January, 1896.

JOHN H. BAKER, *Judge*.

WASHINGTON, D. C., *March 3, 1896.*

DEAR SIR: In regard to my claim (4098) before the Committee on Claims, of which committee you are a member, General Dudley informs me that you desire some further information as to the reason for my putting off the presentation of my claim for damages until this late day. I would state that in my statement of the case that is now before your committee I therein make oath about as follows:

That my reason for not presenting this claim before now was that shortly after the loss occurred, my attorney, Senator McDonald, of Indiana, now deceased, made up a full and complete set of papers in the case to be presented, as he said, to the Court of Claims for settlement, but when he got ready to present the claim to the court he discovered that he had lost the papers, and having charged Michael O'Connor, my manager in that line of business, who was the main witness in the completion of the papers in the case (some little time after the papers in the case were made up), with having written the anonymous letters alluded to in the papers before your committee, and which anonymous letters were, as the Government officers stated to be, the cause of all the trouble.

It was not possible for me to use the said O'Connor again in making up a second statement of facts until about two years ago, when, after nearly twenty-five years of hard feeling toward him, he in a measure satisfied me that he was not the person who had written the lying letters alluded to, and I was thereby enabled to again use his testimony in completing the claim for damages now before you, but having lost from the effects of the panic of 1873 every dollar I had in the world, going down finally in the wreck of 1877, where I have remained ever since struggling against the

tide, it became necessary that I should collect the sum so justly due me from the Government. I can assure you that if I had but a very small part of the means I possessed in other days I would be reluctant to seek this justice from the Government, as it has treated me so unfairly and unjustly in the whole transaction.

If there is any other point in the case that does not seem clear to you I would be glad to explain it personally, as it seems so hard to explain such a case on paper.

Very respectfully, yours,

T. F. RYAN.

Hon. N. N. COX, *House of Representatives.*

In the case of *Thomas Ryan v. The United States*, H. R. No. —, pending before the Committee on Claims, House of Representatives.

Query. In a proceeding similar to the one in issue, can a suit be maintained upon the official bond of a collector of internal revenue, acting *colore officii*, and are his sureties thereon liable for unlawful acts of such officers done *colore officii* to private persons injured thereby?

"The sureties of a tax collector are not liable for trespasses, such as the act of the collector in collecting the taxes without an order of the court." (*Greenwell v. Commonwealth*, 78 Ken., 320; *Doepfner v. State*, 36 Ind., 111; *Lowell v. Parker*, 10 Metc. (Mass.), 309; *Rollins v. State*, 13 Mo., 437; *State v. McDonough*, 9 Mo. (Appeals), 63; *Huffman v. Koppelkom*, 8 Nebr., 344; *State v. Nichol*, 8 Lea (Tenn.), 657; *State v. Mann*, 21 Wis., 684; *Gerber v. Ackley*, 32 Wis., 233; *Gerber v. Ackley*, 37 Wis., 43.)

The bond of a collector of internal revenue, given under section 3143, Revised Statutes of the United States, must be for an amount to be prescribed by the Commissioner of Internal Revenue, and be secured by five sureties. The condition of the bond is required by such act to be as follows:

"That said collector shall faithfully perform the duties of his office according to law, and shall justly and faithfully account for and pay over to the United States, in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession.

"And shall from time to time renew, strengthen, and increase his official bond as the said Commissioner shall prescribe; said bond to be filed in the office of the First Comptroller of the Treasury."

In the case of *Clark v. The United States* (60 Ga., 156) it is held "the collector's bond" (bond in suit being one of collector of internal revenue, in compliance with sec. 3143, R. S. U. S.) "is a contract for the indemnity of the United States alone, and not for the indemnity of private persons." (See also *U. S. v. Jackson*, 3 Hughes, 231.)

Section 3177 Revised Statutes of the United States provides that any collector, etc., may enter in the daytime any public building or place where any articles or objects subject to tax are made, produced, or kept, within his district.

Section 3176 Revised Statutes of the United States authorizes and empowers the collector or deputy collector in every district to enter into and open the premises, if it be necessary, of every person therein who has taxable property, or who, according to the best information he can obtain, has in his possession such taxable property. (See also secs. 3333, 3334, 3352, and 3453 R. S. U. S., 5 Blatch., 407; 5 Blatch., 542; 14 Blatch., 317.)

In the matter of my seeking redress, by bill No. 4098, from the Government for the loss sustained by reason of an unjustifiable seizure of 50 barrels of whisky at Louisville in the year 1868, and which said whisky was condemned on technical grounds as not being entered in the Government books at the proper time, and a remission of the condemnation ordered by the court.

I would further make oath that I never knew, or even supposed, until an examination of the papers in the case (within the last few weeks in the Treasury) that the ground of remission was found upon the technical charge of the whisky not being entered at the proper time in the Government books. Mr. Needham, on his visit to Indianapolis, found my Government books all right; what we disagreed about was my refusing to show my private books. The only real charge, if any, that could at all be brought against the said 50 barrels of whisky was that the filling up of the barrels with two or three gallons to the barrel might be construed as not allowable under the law.

This, and this alone, I always supposed was understood to be the technical point of condemnation. As to the technical point of not entering it as received, I purchased 422 barrels of whisky from the United States marshal, and I entered it

the Government books when it was all weighed, gauged, and delivered to me. Indianapolis at that time (nor now) had no distillery or redistilling establishments, and for that reason was entitled to and had but one gauger. He weighed and gauged the marshal's whisky when he had time from his regular work to do so, and he could not have gauged and weighed it and done his other work in much less time than the eight days that were taken in completing the delivery. I was kept in the dark as to the charge. If it had been distinctly understood that the charge was that of not entering it in the Government book at the proper time, it could have been easily refuted, for there never was even any technicality or fraud in that respect.

THOMAS F. RYAN.

DISTRICT OF COLUMBIA, ss:

Subscribed and sworn to before me this 18th day of March, A. D. 1896.

[SEAL.]

L. P. SQUIER, *Notary Public.*

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